

[Neutral Citation No.2023:PHHC:071291]

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH****COCp-1812-2021 (O&M)
Date of decision: 17.05.2023****Kanwar Prem Singh****...Petitioner****Versus****Sanyam Aggarwal and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Saruti Sandal, Advocate for
Mr. R. S. Manhas, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 23.12.2020, passed by this Court in CWP-22527-2020, vide which, the following order was passed:

“The four petitioners are owners of agricultural land and residents of village Pangoli, Tehsil and District Pathankot. They are seeking issuance of a writ in the nature of Mandamus directing the revenue authorities to remove the encroachment from a public passage measuring 14 kanals 15 marlas comprised in khewat No.476/427, khatauni No.590, khasra No.103, hadbast No.351 located in the revenue estate of their village as per jamabandi for the year 2017-18 (Annexure P-2). The petitioners have submitted that major chunk of the passage has been encroached upon by influential members of the ruling party.

We are not inclined to interfere in the matter in the absence of any definite demarcation report.

Counsel for the petitioners submits that inspite of

[Neutral Citation No.2023:PHHC:071291]

request made to the Gram Panchayat of the village for carrying out the demarcation, no steps have been taken.

In view of this situation, we at best deem it appropriate to direct the revenue officials to demarcate the aforesaid area by adopting scientific method upon moving of an application by the petitioners accompanied by requisite charges.

Ms. Anu Pal, Deputy Advocate General, Punjab assures the Court that in the eventuality of such an application being made by the petitioners with the necessary charges before the revenue authorities, needful would be done within a period of two months of the filing of such an application and if any, encroachment is found, action would be immediately initiated for removal thereof.

In view of the aforesaid, we dispose of this petition with a direction to the revenue officials that in case, an application for demarcation is submitted by the petitioners alongwith requisite charges, the demarcation of the passage shall be carried out within two months, using scientific technique.”

Learned State counsel, as per affidavit of the Deputy Commissioner, Pathankot, which is on record, submits that the demarcation has already been done and a petition under Sections 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 was filed against the unauthorized occupants including respondent No. 2, as per demarcation report dated 24.02.2021.

Learned State counsel further submits that he has instructions to say that the eviction order has been passed and now an appeal is pending before the Joint Director, Department of Rural Development and

[Neutral Citation No.2023:PHHC:071291]

Panchayats, Punjab.

In view of the above, the present petition is disposed of with a direction to the Joint Director, Department of Rural Development and Panchayats, Punjab to decide the appeal in accordance with law within a period of six months from today.

Rule stands discharged.

17.05.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No