

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2023:PHHC:116211-DB

247(1)

CWP-13251-2023

Date of Decision : **September 04, 2023**

VINOD KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Mazush Khan, Advocate
for respondent No.5.

SURESHWAR THAKUR. J.(Oral)

1. The learned counsel appearing for the litigants are ad-idem that lis may be disposed of in terms of CWP-12121-2023, the relevant portion whereof is extracted here-in-after:-

“Conclusion

5. Thus, in view of the above summarized principles, thereins it can be safely concluded that when the proceedings drawn under Section 24 of 'the 1994 Act', are but summary in nature, and, when but evidence, in respect of encroachments being made upon the petition lands, may not surface in the said summary proceedings, but may surface only in fully contested proceedings, launched under Section 7 or 13 A of 'the 1961 Act'. Thus, the drawings of the notice(s) (supra) are

construable to be made with the completest lack of application of mind and rather are rendered in a cryptic, slipshod and in an ill informed manner.

Final order of this Court.

6. For the reasons (Supra), the impugned notice (s) (supra) and consequential proceedings, if any, are quashed and set aside. However, the Gram Panchayat concerned, may hence though a petition cast upon under Section 7 or 13 A of 'the 1961 Act', before the Assistant Collector concerned, hence sought the eviction of the encroachers concerned from the lands concerned, rather than through the drawings of notice(s) (supra).

7. On such a petition being filed before the Assistant Collector concerned, the latter shall but in accordance with law, and, after an opportunity of hearing being given to all the concerned, hence make a decision thereons rather positively within six months of its preferment.

8. Till the said petition becomes instituted, thereupto the parties are directed to maintain status-quo in respect of the disputed/petition lands concerned. In case, the above petition becomes instituted before the Assistant Collector concerned, thereupon the respondents therein, may institute an application therein claiming an apposite interim relief, and, thereons a lawful order shall be promptly passed by the Assistant Collector concerned, but after granting an opportunity of hearing to all the concerned.

9. However, it is clarified that the quashing of the notice(s) (supra) shall not be construed as an influencing consideration, by the Assistant Collector First Grade concerned.

10. With the afore observations, the petition stands disposed of.”

2. Accordingly, the impugned notice(s) dated 29.7.2022 (Annexures P-2) and dated 2.8.2022 (Annexure P-2) and the consequential proceedings are quashed and set-aside.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 04, 2023

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No