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

CWP-18096-2022

Date of decision:14.02.2023

KULDIP SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Raj Kumar Garg, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The writ petitioners averred that co-respondents No.4 to 6 have made encroachments, upon the panchayat lands. It is further averred in the petition that despite a complaint in the above regard, and, as becomes carried in Annexure P-6, becoming addressed to the Director Rural Development and Panchayat Officer, Mohali, but yet no action becoming taken thereons. Therefore, through the institution of the instant writ petition, the petitioners prays, for a mandamus being made upon the respondents, to launch proceedings under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), for hence a lawful order being made for evicting the encroachers upon the petition lands.

2. The reason for the petitioners accessing the jurisdiction of the Writ Court becomes aroused on the score, that co-respondent No.6, is the Sarpanch of the Gram Panchayat Singhpur, and, that he also is an encroacher upon the

petition land, and, that on account of there being purported connivance *inter-se* respondents No.3 and 4, thus, there is a delay on the part of the BDPO concerned, to draw a petition under Section 7 of the Act, before the learned Collector concerned.

3. If so, for ensuring that a petition under Section 7 of the Act, is forthwith instituted against the encroachers concerned, thus the Block Development and Panchayat Officer, is directed to forthwith institute a petition under Section 7 of the Act, but the progress of the said petition, shall be closely monitored rather on a day to day basis by co-respondent No.2. On such petition, the learned Collector concerned, shall expeditiously draw lawful action(s) against the encroachers concerned.

4. If ultimately, co-respondent No.4 is found to be an encroacher, upon the petition lands, thereupon the learned Collector concerned, of the Revenue District concerned, may proceed to draw such lawful action as deemed fit under the relevant statute against co-respondent No.4.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

14.02.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No