

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
2023:PHHC:095901-DB**

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CWP-16014-2023

Date of Decision : July 27, 2023

SUKHPAL SINGH & ORS

.....Petitioners

VERSUS

STATE OF PUNJAB & ORS

.....Respondents

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

Present : Mr. J.S.Khiva, Advocate for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR. J.(Oral)

1. The prayer in the writ petition is that a direction be passed against the respondent concerned, to except in accordance with law, thus refrain from evicting the petitioners from the disputed land(s).

2. The above made prayer in the writ petition appears to be completely truthful, as it is stated at the bar by the learned State counsel on instructions from BDPO, Sardulgarh, that no lawful orders of eviction has been passed against the present petitioners. Therefore, when the mandate, as, comprised in Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 has not been resorted by the appropriate authority or by the Gram Panchayat concerned, thus seeking the eviction of the present petitioners from the petition land(s) nor when any lawful order has been drawn thereon. Resultantly, any attempt on the part of the respondent concerned, to yet evict the present petitioners from the petition land(s) is but contrary to the procedure established by law.

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3. In consequence, the relief(Supra) claimed in the present petition is required to be allowed, and, the same is allowed. Therefore, the respondent concerned, except in accordance with law, thus is restrained from drawing any coercive action against the present petitioners land/property.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 27, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No