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

CWP-19482-2022

Date of decision: 14.02.2023

SUBEY SINGH AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. G.S. Duhan, Advocate for the petitioners.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. It is averred in the writ petition that co-respondents No.6 to 22 have allegedly made encroachments, upon the lands owned, and, possessed by the Gram Panchayat concerned. However, no lawful proceedings have been drawn against the encroachers concerned, therefore, the petitioners have asked for a mandamus being made, upon the respondents concerned, to draw lawful proceedings for the relevant purpose against the encroachers concerned. The lack of action on the part of the Authorities concerned, on representations which became appended to the instant petition, as Annexures P-2 to P-5, has but led the petitioners to access the writ jurisdiction of this Court rather for a mandamus being made for the relevant purpose, upon, the respondent(s) concerned.

2. The reply on affidavit furnished to the instant petition by the learned State counsel, discloses, that a petition under Section 7 of The Haryana Village Common Lands (Regulation) Act, 1961 (as notified on 05.04.2021) (hereinafter referred to as "the Act"), has been instituted before the learned Collector concerned, against those persons, who become declared in the demarcation report, to make encroachments upon the petition lands.

3. Therefore, if the said petition has been instituted, thus there is no surviving grievance in the writ petitioners, to yet ask that a mandamus be made upon the Authorities concerned, to ensure that the encroachers concerned, are evicted from the petition lands owned, and, possessed by the Gram Panchayat concerned. Resultantly, the learned Collector concerned, is directed to make a lawful expeditious decision, upon the petition instituted under Section 7 of the Act. However, in case the encroachments, as made upon the petition lands, are qua those lands hence located in different khasra numbers or in different *Mohals*, thereupon the learned Collector concerned, may on an application being filed before him by the authorized official concerned, proceed to grant leave to the official concerned, to withdraw the Section 7 petition, but with liberty to re-institute separate petition(s), in respect of each of the encroachers concerned, detailing therein the specific khasra numbers, whereons, the alleged encroachments are made, and, also detailing therein, the demarcation reports which uncover the encroachments as are allegedly made on panchayat lands, by the encroachers concerned. The above necessity arises as, in a common petition laid under Section 7 of the Act rather against the encroachers concerned, the latter shall become defacilitated to adduce their respective separate evidences, on the relevant issues which, but naturally would not bring justice to the aggrieved from the demarcation report(s).

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

14.02.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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