

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-16321-2023

Date of Decision : 31.07.2023

IQBAL SINGH

.....Petitioner

Versus

**THE DIRECTOR, DEPT. OF RURAL DEPT. AND PANCHAYAT AND
OTHERS**

....Respondents

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

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The writ petition is disposed of with a direction to the Sarpanch of the Gram Panchayat and the BDPO concerned, to forthwith, in respect of the petition lands, institute a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter for short called as 'the PVCL Act'), thus before the Collector concerned. However, before the said petition is instituted, the authorities concerned shall ensure that a valid demarcation of the disputed lands, is conducted by the empowered revenue officer concerned.

2. Moreover, only after the said demarcation reveals, that some portion of the public passage has been subjected to unauthorized construction(s) and/or encroachment(s) are made thereons, at the instance of the encroachers concerned, thereupon only, the above shall proceed to institute a petition under Section 7 of 'the PVCL Act', before the Collector concerned.

3. If such a petition becomes instituted but within four weeks from today but subject to the above observations, thereafter the Collector concerned shall proceed, to, but in accordance with law, make a lawful speaking decision thereons but only after hearing all effected persons concerned.

(SURESHWAR THAKUR)
JUDGE

31.07.2023

kavneet singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(KULDEEP TIWARI)
JUDGE