

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 20953 of 2020

Date of Decision: 11.4.2023

Kirpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. Vivek Sharma, Advocate
for respondents No. 7 and 8.

SURESHWAR THAKUR, J. (ORAL)

CM-5845-CWP-2023

The application is allowed as prayed for. Annexures P-7 to P-9 are taken on record.

CWP No. 20953 of 2020

1. Contra claims have arisen before this Court, in respect of the respective lawful titles over the petition land(s), respectively of the Gram Panchayat concerned, and, of the petitioner herein. However, in the instant proceedings, the said claims cannot be either decided nor conclusively determined, as the statutory mechanism for the determination of the said claims, is comprised, in either a petition under Section 7 or a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') rather being instituted before the Collector concerned.

Therefore, obviously the instant petition, qua claiming relief for making a

mandamus upon the respondents concerned, to not dispossess the petitioner

from the petition land, is not maintainable, and, is dismissed as such.

2. Be that is it may, since it has also been intimated to this Court by the learned State counsel, that in respect of the dispute engaging the legal contestants, a petition under Section 7 of the Act has been filed against the encroachers upon the petition land, one of whom is also the petitioner herein. Therefore, the instant petition is disposed of with a direction to the learned Collector concerned, to within a period of three months from today, make a lawful decision on the said petition but after hearing all the affected persons concerned.

3. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 11, 2023
Gurpreet

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