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

CWP-17481-2023

Date of Decision : 10.08.2023

VARINDER SINGH @ KALA AND ANOTHERPetitioners

Versus

THE STATE OF PUNJAB AND OTHERSRespondents

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

Present : Mr. Gaurav Datta, Advocate;
Mr. A.S. Shera, Advocate and
Ms. Bhavana Datta, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (Oral)

1. The Sarpanch of Gram Panchayat village Bhamiya Khurd Block Ludhiana-2, issued, upon the petitioners herein notice on 03.08.2023. The contents of the said notice is extracted hereinbelow:-

“Notice

Gram Panchayat Bhamiya Khurd, Ludhiana

That, Gram Panchayat Bhamiya Khurd is summoning notice to Varinder Singh S/O S. Bahadar Singh R/o Bhamiya Khurd Ludhiana that to vacant the land of Khasra numbers of mutation No.1620 before 11.08.2023. If Varinder Singh will not vacant the land of this mutation before 11.08.2023, then appropriate action will be taken against him on 11.08.2023 and Gram Panchayat will occupy the land of mutation No.1620.”

2. The making of the said annexure appears to be arbitrary and also appears to be made to unlawfully ensure the eviction of purported encroachers from the panchayat lands concerned.

3. The learned counsel for the petitioners submits, that the

impugned eviction notice (Annexure P-9), as made upon the petitioners is not a lawful recourse, as it is not preceded by any valid, binding and conclusive order, as made by the learned Collector concerned, while his trying a petition either under Section 7 or under Section 11 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act of 1961”). If so, it is open to the Gram Panchayat concerned, to institute an eviction petition under the relevant statutory provisions before the Collector concerned, thus seeking the eviction of the petitioners, from the lands purportedly owned and possessed by the Gram Panchayat concerned.

4. Consequently, this Court directs the Sarpanch of the Gram Panchayat concerned, or the BDPO concerned, to forthwith institute a petition under Section 7 of the Act of 1961 before the Collector concerned, who on receiving the same, shall make a lawful speaking decision thereons, but after hearing all affected persons concerned, yet positively within a period of six months from its preferment.

5. Needless to state, that before the institution of the said petition, a valid demarcation shall be made of the petition lands, wherein the participation of all the aggrieved concerned, shall be elicited and shall also be ensured. It is also needless to state that till a decision is made on the petition cast under Section 7 of the Act of 1961, the parties are directed to maintain status in respect of the petition lands.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

10.08.2023

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