

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

**CWP-21844-2020 (O&M)
Date of decision : 03.08.2023**

Gram Panchayat Mehangerwal

.....Petitioner

versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Krishan Singh Dadawal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. S.D. Sharma, Senior Advocate with
Mr. Varun Anand, Advocate
for the private respondents.

RAJESH BHARDWAJ, J. (Oral)

CM-12609-CWP-2023

Application is allowed as prayed for.

Annexures P-8 to P-12 are taken on record.

CWP-21844-2020

Petitioner has approached this Court praying for issuance of directions in the nature of mandamus to respondents to immediately get the report in terms of letter dated 13.11.2020 whereby Committee has been constituted but till date nothing has been done and after getting the report regarding the loss suffered by petitioner due to the removal of trees illegally, direction for deposit of actual loss caused to the Gram Panchyat, be issued.

Notice was issued in this case and in pursuance to order passed by this Court, the report was filed by the Deputy Commissioner, Hoshiarpur.

Learned counsel for the petitioner has vehemently contended that the land in dispute is 60625 kanals, 18 marlas and 79 persons from this land had cut down the trees pertaining to the Gram Panchayat. However, he submits that report has been filed only pertaining to two khasra numbers and thus, the same does not give the complete picture of the total loss caused to the Gram Panchayat. He submits that the loss is much more than what has been described in the report filed. He submits that petitioner filed representation/letter (Annexure P-9) to the Deputy Commissioner dated 21.06.2023, in pursuance to which he has ordered to Girdawar Halqa, Janauri for carrying out the assessment of illegal cutting of trees, vide his order dated 06.07.2023.

Learned Senior counsel for the private respondents has submitted that the report filed suffers from no infirmity. He submits that from the report filed by Deputy Commissioner it is crystal clear that the land pertains to private owners and the trees and crops sown in this land was their private cultivation and they are in very much possession of the same since consolidation. He submits that the allegations of the petitioner regarding causing any loss to the Gram Panchayat on account of cutting of trees are totally without any substance, as the owners have cut down the trees which were their private property.

Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the grievance of the petitioner has already been redressed as the demarcation has been

done and the report has been filed on the basis of the same, which would show that there was no illegal cutting of the trees as alleged. However, learned counsel for the petitioner submits that he has already submitted his representation and the Deputy Commissioner has ordered assessment and the same be directed to be completed.

After hearing counsel for the parties and perusing the record, it is apparent that the report has already been submitted before this Court in pursuance to order dated 13.11.2020 as contended by counsel for the petitioner. Thus, no further issue remains to be adjudicated at this stage. However, petitioner is at liberty to avail his remedies if so advised in accordance with law. He has already filed a representation in which the Deputy Commissioner has directed for the assessment of the loss. Accordingly, petition is disposed of with direction to the Deputy Commissioner to conclude the proceedings initiated for the assessment (supra) preferably within three months, as in accordance with law.

03.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No