

2023:PHHC:108962

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

**CWP-18344-2023**  
Date of Decision: 22.08.2023

Indoman Dyeing Village Jamalpur and others                    ..... Petitioners

Versus

State of Punjab and others                    ..... Respondents

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

Present:        Mr. Kanwar Goyal, Advocate and  
                    Mr. Ishaan Gupta, Advocate, for the petitioners.

**Rajesh Bhardwaj, J. (ORAL)**

Prayer in the present petition is for setting aside the impugned notices bearing Nos.372, 376, 380, 384, 388 and 440 dated 27.03.2023 (Annexures P-9 to P-9/E) issued by respondent No.6, whereby, the petitioners have been directed to remove the alleged encroachment from the land of Budha Nala, Ludhiana by completely ignoring that the petitioners are owners in possession of their properties on the basis of valid title viz sale deeds as well as by completely overlooking the factum of similar drill having already been conducted way back in the year 2008 wherein demarcation was conducted by respondents themselves and the said pillars are intact till today and quashing the demarcation report dated 30.01.2023 (Annexure P-11) conducted by the Department, which is in contravention of the rules of Punjab Revenue Act and High Court Rules and orders.

It has been submitted by learned counsel for the petitioners that the petitioners are owners of the properties, however, they were issued notice on the false and frivolous grounds. He submits that resultantly, the petitioners approached this Court by way of filing of CWP-22989-2022, which was disposed of on 30.09.2022 and CWP-12365-2023, which was disposed of vide

order dated 01.06.2023. He submits that in pursuance to the orders passed by this Court, demarcation was conducted. He further submits that though the demarcation report was provided to the petitioners, but their objections/grievances have not been heard by the respondent-authorities. He submits that without hearing the objections, now notices have been issued with a direction that in case of non-compliance of the order, the proceedings under Section 70 of the Northern Indian Canal and Drainage Act would be initiated. He submits that notices issued are in total violation of the principle of *audi altram partem*.

Notice of motion.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent State. On instructions, she has submitted that so far only notices have been issued against the petitioners and their objections, if any would be heard prior to initiating any further action.

In view of the above, the present petition is disposed of with direction to the respondent-authorities to hear the objections filed by the petitioners before initiating any further action in pursuance to the notices issued to the petitioners. The objections be decided expeditiously in accordance with law.

Respondent-authorities would not initiate any further coercive action without deciding the objections filed by the petitioners.

22.08.2023  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No