

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

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CWP-443-2021

Date of Decision : **February 15, 2023**

SARWAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present : Dr. Sumati Jund. , Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. A.P.Kaushal, Advocate
for respondent No.8.

SURESHWAR THAKUR. J.(Oral)

1. Reply on affidavit to the writ petition has been filed by the learned State counsel. The same is taken on record.
2. The writ petitioner lodged a complaint before the Director, Rural Development & Panchayats Department, Punjab. The said complaint is assigned Annexure P-1. In Annexure P-1, an allegation was made against one Bhupinder Singh son of Gurdev Singh, Sarpanch of the Gram Panchayat concerned, that he has assumed unauthorized possession of *khasra No. 26(1-10)* of the Shamlat land, and, besides also his constructing kothi on 2 acres of Panchayat land. Moreover, it is also averred that one Hem Raj son of Hakam Singh, Panch, and, his son Gurdeep Singh have made an encroachment on *khasra No.24/2 min (6-14) khasra number*, whereof is recorded to be owned by the Panchayat

Deh concerned. In addition, one Gurnam Singh son of Mastu is also alleged to assume unauthorized possession on *khasra No. 41(0-2)*, *khasra number* whereof, has been assigned to the Gram Panchayat concerned. In addition, the favorites of the Sarpanch are alleged to make encroachments on *khasra No.41 (8-0)*, and, on *khasra No.39 (12-17)*. Therefore, it was claimed that lawful proceedings under the relevant statute be drawn against the encroachers concerned.

3. Though in the wake of the above, a mandamus was asked to be made, upon, the respondent concerned, but specifically with respect to lawful proceedings being ordered to be drawn by the concerned, but under the relevant statute hence against the encroachers concerned. However, at this stage, the above asked for mandamus cannot be made, upon, the respondent concerned. The reason becomes comprised in the factum, that no necessity for making the above mandamus, does arise, as a perusal of the reply on affidavit furnished to the writ petition by the respondent-State reveals that, proceeding for eviction under the relevant provisions of the relevant statute rather have been drawn against the encroachers concerned. If so, the learned Collector concerned, is directed to lawfully terminate such proceedings, and, is directed to do so positively within three months from today, but after granting an opportunity of hearing to all the affected persons.

4. Though in the above Annexure, an allegation, is made, that an encroachment has been made also upon *khasra No.39 (12-17)*, but on a reading of the reply on affidavit, as becomes furnished to the petition, by the respondent concerned, it is revealed, that there is no encroachment

on the said *khasra number*, rather the said *khasra number* (Supra) is entered in the name of the Education Department. Therefore, in so far as the above *khasra number* is concerned, at this stage, this Court does not deem it fit and proper to make a direction, upon the respondent concerned, to draw proceedings against the encroachers concerned, hence under the relevant provisions of the relevant statute.

5. Moreover, in case there is no mention in the status report, about the factum of no encroachments being made upon the Panchayat land(s) comprised in *khasra nos.* 24(2)(6-14) and 41(0-2)(8-0), thereupon subject to lawful demarcations being held of the above-said *khasra numbers*, the Block Development and Panchayat Officer concerned, shall forthwith but subsequent thereto, draw proceedings under the relevant provisions of the relevant statute rather against the encroachers concerned.

6. In view of the above, the writ petition is closed.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 15, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No