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RSA-2702-2011

HARPAL KAUR & ORS. V/S STATE OF HARYANA & ANR

Present:- Mr. I.S. Brar, Advocate
for the appellants.

Mr. Sulinder Sharma, DAG, Haryana.

Mr. Mahender Singh, SDO, PWD B&R, Divison No.2, Sirsa with
Mr. Sham Chand Patwari, PWD B&R, Divison No.2. Sirsa
for respondent No.2.

On the last date of hearing following order was passed:-

“On 10.02.2023 following order was passed by
this Bench:-

“As per the order passed on 10.01.2023,
demarcation at the spot has been done. Report thereof,
indicates that both the parties are in possession of each
others land. Karam Singh appellant No.5 states that in case
the department was ready to vacate their land, the
appellants will also vacate the land of the department,
under their possession.

Mr. R.K. Singla, DAG, Haryana seeks an
adjournment to place on record the original proceedings of
the demarcation and also states that in the meantime,
meeting of the officers of the PWD Department and the
Forest Department will be convened to settle the issue. If
in the meeting, the matter is not settled, the District Forest
Officer, Sirsa or his representative shall come present on
10.04.2023.”

In response to above order, demarcation was
conducted at the spot and on 10.04.2023, it was stated by
representatives of the respondents that the trees standing in
the land owned by the appellants will be cut and free
possession of the land will be offered to them. Today a
report has been placed on record, showing sanction granted

by the Higher Authority to cut the trees, in further report stating that the trees in fact were cut at the spot. To show that, 16 trees were cut at the spot from the land owned by the appellants. The photographs have also been placed on record.

Learned counsel for the appellants states that if the appellants are put in possession of their land after vacating it by the Forest Department, they will have no objection in vacating the land under their possession, which belongs to PWD B&R Department. Under above circumstances, directions are issued to Tehsildar, Sirsa to depute a responsible officer in whose presence, both the parties will change the possession and will be put the land owned by the appellants and PWD Department/Government.

Let this exercise be done within next 3 weeks.

Copy of the order be sent to the Tehsildar, Sirsa forthwith; the officers of PWD Department and Forest Department are directed to remain present at the spot when the exercise to change the possession will be conducted.

Adjourned to 02.06.2023.

Copy of the order be also sent to (SDE) PWD B&R Sub Division Ellenabad.”

Mr. Mahender Singh, SDO, PWD B&R, Divison No.2, Sirsa and Mr. Sham Chand Patwari, PWD B&R, Divison No.2. Sirsa have placed on record the report showing the exchange of possession between the parties, which is taken on record as Mark-A. It is stated therein that both the parties were put in possession of their respective portions of lands. In this way, no dispute is left between the parties.

Mr. I.S. Brar, Advocate for the appellants states that in view of report placed on record, this appeal has become infructuous. Both the

parties have no grouse against each other. Report Mark-A is ordered to be made

part of this order.

Appeal is accordingly disposed of.

(JASBIR SINGH)
PRESIDENT

(RAJ RAHUL GARG)
MEMBER

02.06.2023
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