

CWP-26684-2019

Date of Decision: 20.09.2023

Kala Singh

..... Petitioner

Versus

Deputy Commissioner, Sirsa and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Naresh Kumar Ganga, Advocate, for the petitioner.
Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.
Mr. C.M. Munjal, Advocate, for respondent no.4.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to respondents No.1 to 3 for taking legal action against respondent No.4 within stipulated time, who has submitted false affidavit and had encroached upon the Municipal Council property at the time of submission of her nomination form.

Learned counsel for the petitioner has submitted that as per enquiry report dated 05.03.2019 (Annexure P-3), conducted by the Deputy Commissioner, Sirsa, Mithu Ram i.e. the father-in-law of respondent No.4 was found to be in unauthorized possession of land of the Municipal Council and it was also found that respondent No.4 was living with her father-in-law and she was also in unauthorized possession of the land of the Municipal Council. He submits that despite that no action had been taken against respondent No.4 by the respondent-State.

Learned State counsel has drawn the attention of this Court to the status report filed by Sub Divisional Officer (Civil) Ellenabad, Sirsa dated 17.03.2022 and has stated that Jito Bai wife of Mithu Ram and Mukhtiar Singh son of Mithu Ram were issued notices under Section 181 of the Haryana Municipal Act, 1973 vide letter dated 25.07.2019 to remove their unauthorized

occupation, which was not complied with and thus, Municipal Committee had filed a petition No.1/2021 under the relevant provisions of Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1973 against the encroachers for their eviction and the same was pending adjudication. He submits that the action in accordance with law for the eviction of father-in-law of respondent No.4 has already been initiated. He further submits that as the grievance of the petitioner has already been redressed, the present petition has been rendered infructuous.

After hearing learned counsel for the parties and perusing the record, it is apparent that action as per prescribed procedure of law has already been initiated against respondent No.4, rendering the present petition infructuous.

The petition stands disposed of as infructuous with liberty to the petitioner to pursue his remedy as per law in case need so arises.

20.09.2023		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No