

CWP-20500-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : September 15, 2023

INDER SINGH AND ANR.

-PETITIONERS

V/S

STATE OF PUNJAB AND ORS.

-RESPONDENTS

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

Present : Mr. Atul Lakhanpal, Advocate with
Ms. Caral Aggarwal, Advocate
for the petitioners.

Ms. Lavanya Paul, DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Through, Annexure P-9, which has been challenged, and, which has been drawn by the District Development and Panchayat Officer, Tarn Taran, the petitioners herein have been ordered to be evicted from the petition land.

2. The deep pervasive, and, dire illegality, thus ingraining the said order, is comprised in the factum, that the DDPO concerned, was required to be making an order of eviction, only upon his seized with an application instituted before him, by the aggrieved, rather under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act of 1961).

3. Since without the above legally ordained process of law becoming recoured, yet the impugned order becoming passed. Therefore, the impugned order is drawn in gross disregard of the statutory mechanisms, as are available to be adopted, thus for the making a valid order of eviction of the petitioners from the petition land.

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4. Consequently, the instant petition is allowed. The impugned order is quashed and set aside. However, liberty is reserved to the Sarpanch of the Gram Panchayat concerned, or, the B.D.P.O. concerned, to forthwith institute a petition under Section 7 of the Act of 1961, before the Collector concerned, and, the latter on receiving such a petition, shall make a lawful and speaking order thereons, but after hearing all the affected persons concerned.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 15, 2023
devinder

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No