

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

108+228

CM-2160-CWP-2023 in/and
CWP No.25581 of 2022 (O & M)
Date of decision :-13.02.2023

Naresh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Siddharth Grover, Advocate
for the applicant-petitioner.

Mr. Aman Bahri, Addl. A.G. Haryana.

Mr. Lekh Raj Nandal, Advocate
for respondents No.6 and 7.

LISA GILL J. (Oral)

CM-2160-CWP-2023

Prayer in this application is for amending/correcting
typographical error in para No.4 of the petition, in as much as Khasra
number of the land in question is mentioned as 15/2 though it should
read as Khasra No.63//15/1 instead.

No objection thereto has been raised. Accordingly,
application is allowed.

Necessary correction be carried out by the Registry in
para No.4 of the writ petition.

CWP No.25581-2022

Prayer in this writ petition is for direction to respondents No.4 and 5 to cancel/reject the candidature of respondents No.6 and 7 for contesting for the post of Sarpanch of Village Brahmanwas on the ground that they are disqualified in terms of Section 175 of Haryana Panchayati Raj Act, 1994 (for short 'the Panchayati Raj Act') being in unauthorized possession of Gram Panchayat land in Khasra No.63//15/1.

It is brought to our notice that respondent No.6 in the interregnum has been elected to the post of Sarpanch. Learned counsel for the petitioner contends that respondent No.6 is disqualified in terms of Section 175(n) of Panchayati Raj Act being in unauthorized possession of Gram Panchayat land, therefore, action should be taken against him in terms of Section 177 of the Act.

Learned counsel appearing on behalf of respondents No.6 and 7 submits that during pendency of this writ petition demarcation of the land in question has been carried out and respondents No.6 and 7 have not been found in unauthorized possession of the same.

Learned counsel for the State submits that 25 petitions have been filed under Section 7 of the Punjab Village Common Lands (Regulation) Act (for short 'PVCL Act') seeking eviction of the unauthorized occupants which does not include respondent No.6 or 7. It is further submitted that requisite inquiry shall be concluded and necessary order in terms of Section 177 of the Panchayati Raj Act shall be passed by the competent authority within two weeks.

In view of the above, we do not find any justification for continuation of the present proceedings at this stage except to say that necessary action in terms of Section 177 of the Act be taken by the competent authority within the time frame as projected before us. Needless to say, petitioner shall be at liberty to avail remedy/remedies as may be available to him in accordance with law to challenge the said order, if so advised.

Writ Petition is disposed of accordingly.

(LISA GILL)
JUDGE

(NIDHI GUPTA)
JUDGE

February 13, 2023
Vijay Asija

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