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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : October 16, 2023

GURVINDER SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

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

Present : Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Both the learned counsel for the petitioner and the learned State counsel, at this stage, submit that the disputed lands have become vested in the Municipal Council, Derabassi.
2. The petitioner alleges that co-respondent No.9 has made encroachments, upon, the disputed lands, and, for ensuring his becoming evicted therefrom, an application for demarcation has been moved, before the revenue officer concerned, but, the said application has remained unactioned. Therefore, a mandamus is claimed to be made, upon, the Tehsildar, Derabassi to make valid demarcations of the disputed lands, for thereby enabling the aggrieved to make a motion before the authorities constituted, under the Punjab Municipal Act, 1911, thus to draw suitable lawful action against the encroacher concerned, on lands owned by the Municipal Council, Derabassi.
3. The above innocuously made prayer is required to be mitigated

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and as such, the Tehsildar, Derabassi, wherebeforewhom, Annexure P-8 has been preferred, is directed to forthwith make valid demarcations of the disputed lands, but within three weeks. If some illegal or unauthorized occupations are revealed therein to be made by co-respondent No.9, thereupon the Executive Officer, Municipal Council, Derabassi, be forthwith purveyed the demarcation report, as, prepared by the revenue officer concerned, and, subsequently the Executive Officer concerned shall, within a week of the receipt of such demarcation report, draw such appropriate action, as deemed fit in accordance with law, against co-respondent No.9. However, before proceeding to ensure the eviction of co-respondent No.9 from the disputed lands, the latter shall be served with a notice, and, shall also be given the fullest opportunity of being heard.

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

October 16, 2023
devinder

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