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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34828-2019 (O&M)

Date of decision:14.02.2023

GURDEEP SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

CM-11200-CWP-2022

Allowed as prayed for.

CWP-34828-2019

1. Since for ensuring the eviction of the purported encroachers, upon the panchayat lands, the statutory remedy(ies) are available to be re-coursed by the concerned. Therefore, at this stage, on the basis of Annexure P-1 annexure whereof is merely a representation made to the Officer concerned, to draw action against the encroachers concerned, upon the panchayat land, is but a measure only to short circuit the recoursable statutory remedies. Therefore, on the basis of Annexure P-1, no mandamus can be passed, upon the respondents concerned, to remove encroachments, if any, which occur, at the instance of the encroachers, upon the panchayat lands concerned.

2. In consequence, as above stated the BDPO concerned, is directed to forthwith institute a petition under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961, before the learned Collector concerned, who shall subsequently in accordance with law make a lawful decision thereon, but only after hearing all affected concerned.
3. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

14.02.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No