

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

CWP-24864-2023

Date of decision:06.11.2023

SUKHDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. In pursuance to a direction passed by this Court vide order of 22.05.2019 (Annexure P-5), thus a mandamus, became made upon the respondent concerned, to ensure the eviction of the encroachers, upon, the public street comprised in Khasra No.299, but by adopting the due course of law.

2. The Gram Panchayat Singriwala, Tehsil and District Hoshiarpur through its Sarpanch Sukhchain Singh, has instituted a petition under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), before the BDPO concerned.

3. The above made order by this Court, has not been challenged before the Hon'ble Apex Court, therefore it has acquired binding, and, conclusive effect. In consequence, the launching of the above petition against one Jagdip Singh, before the BDPO concerned, is obviously required to be construed to be a lawfully launched eviction proceeding.

4. It appears that for ensuring, that trite and tangible evidence emerges for ensuring the makings of a decree of eviction against the said encroachments, upon the Gair Mumkin street, that the Revenue Officer concerned, has proceeded to make demarcation of the disputed lands, and, as also revealed in his report, some encroachment(s) has been made, upon the said Gair Mumkin street, thus at the instance of one Jagdip Singh.

5. However, Jagdip Singh is not the petitioner before this Court rather the instant petition has been filed by one Sukhdev Singh, who is not impleaded as party-respondent in the petition cast under Section 7 of the Act. Therefore, the grievance, if any, as raised by the present petitioner, in the instant writ petition, whereby he challenges the said demarcation report, can be thus easily remedied, through his filing an application under Order 1 Rule 10 CPC before the BDPO concerned, so that thereby he becomes arrayed, as a party/respondent in the petition cast under Section 7 of the Act, before the BDPO concerned. Consequently, thereby he could become well enabled to make a valid opposition to the makings of the said demarcation report.

6. In the face of the above, this Court at this stage finds no merit in the instant petition, and, is constrained to dismiss the same. Accordingly, the instant petition is dismissed. However, leaving liberty to the present petitioner to move the said application before the BDPO concerned. On the

make a well speaking order thereons, so as to enable the participation therein of the present petitioner, who claims to be alike one Jagjit Singh, holding a right, title and interest as owner, qua the said purported Gair Mumkin street.

(SURESHWAR THAKUR)
JUDGE

06.11.2023

Ithlesh

(SUDEEPTI SHARMA)
JUDGE

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