

259

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-30078-2022

Date of Decision : 28.03.2023

LAKHVEER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ORS.

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present : Mr. M.K.Singla, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The petitioner alleges that the private respondents concerned, have made encroachments upon the land owned and possessed by the Gram Panchayat concerned. Thus, he makes a prayer that a mandamus be made upon the official respondents concerned, to ensure that the encroachers concerned, are forthwith evicted from the petition lands.

2. The above made prayer cannot be granted, at this stage, to the petitioner as thereupon, this Court would untenably, at this stage, arrogate to itself the jurisdiction which otherwise, at this stage, rather is solitary vested only in the Collector concerned, who becomes seized with a petition cast under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act'). Since the above petition

has not been instituted before the Collector concerned, therefore,

obviously also this Court cannot proceed to make the above asked for mandamus upon the official respondents concerned, and or, against the private respondents concerned, who are alleged to have made encroachments upon the land owned and possessed by the Gram Panchayat concerned.

3. Consequently, this Court directs the BDPO concerned, to forthwith institute a petition under Section 7 of 'the 1961 Act', before the Collector concerned, who on receiving the same, shall make a lawful speaking decision thereons, but after hearing all affected persons concerned, yet positively within a period of six months from its preferment.

4. Needless to state, that before the institution of the said petition, a valid demarcation shall be made of the petition lands, wherein, the participation of all the aggrieved concerned, shall be elicited and shall also be ensured.

5. Disposed of with the above directions.

(SURESHWAR THAKUR)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.03.2023
kavneet singh

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