

In the High Court of Punjab and Haryana at Chandigarh

(125)

**CWP No. 27175 of 2023
Date of Decision: 04.12.2023**

Om Parkash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Rajat Sheokand, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The learned State counsel, does not oppose, the making of a mandamus, upon the BDPO concerned, to in respect of the encroachers, who have, as such illegally and unauthorizedly occupied the land(s) owned and possessed by the Gram Panchayat concerned, thus institute a petition for their eviction under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to the State of Haryana), before the Assistant Collector concerned.

2. However, before the said eviction petition is instituted, the BDPO concerned, shall ensure that a valid demarcation of the disputed sites, as mentioned in Annexure P-4, is conducted by the empowered revenue officer concerned, and, if some encroachments are revealed to be made thereons, thereupon the BDPO concerned, shall forthwith institute the petition (supra) before the Assistant Collector concerned. On receiving the

said petition, the Assistant Collector concerned, shall pass a valid speaking

decision thereons, but within four months of its preferment.

3. Since it is also averred in the petition that an eviction petition titled as 'Gram Panchayat, Amupur, through Member Panchayat Subhash Chand versus Om Parkash', is also pending. Therefore, if the said petition is also in respect of the land, mentioned in Annexure P-4, thereupon the said petition shall be tried along with the petition, as may be chosen to be filed, thus in terms of the order (supra), before the Assistant Collector concerned.

4. Moreover, the petition (supra) shall also be decided within six months since its becoming instituted before the Assistant Collector concerned, but only after hearing all the affected persons concerned.

5. In view of the above, the instant petition stands disposed of.

6. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 04, 2023
Gurpreet

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