

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

CWP-27689 of 2023

Date of Decision:11.12.2023

Satbir Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Bhupinder Malik, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana

SURESHWAR THAKUR, J. (Oral)

1. With the consent of the learned State counsel, as also with the consent of counsel for the present petitioner, he is permitted to constitute a petition under Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 (for short "the Act") before the Assistant Collector concerned, for thereby a lawful order of eviction being passed against the encroachers, upon, the street Nos.617 and 619. However, preceeding the making of the said petition, the petitioner shall file, an application before the Collector concerned, seeking the demarcation of the encroached, upon, the street Nos.617 and 619 by the encroachers concerned, and, on such an application being filed, the Collector concerned, shall appoint an empowered revenue officer concerned, for conducting valid demarcation(s) of the disputed streets.
2. Consequently, if any encroachments are thus found, on the street

Nos.617 and 619, thereupon, the petitioner shall forthwith file an eviction petition under Section 7 (supra) of the Act (supra), before the Assistant Collector concerned.

3. On the Assistant Collector concerned, receiving the said petition, he shall pass lawful orders thereons but after hearing all the affected parties concerned.

4. It is further clarified that in respect of any purported impropriety or any illegality being made by the authority concerned, in making auctions of the disputed street Nos.617 and 619, thereby the petitioner is also reserved a liberty, to cast a motion under Section 10(a) of the Act (supra), before the authority concerned.

5. On such a petition being filed, a lawful decision shall be made thereons but after hearing all the affected parties concered.

6. The present petition is, accordingly disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 11, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No