

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115

CWP-27675 of 2023
Date of Decision:11.12.2023

Sultan Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Sanjay Ghalawat, 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 lands owned and possessed by the Gram Panchayat concerned. 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, lands 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 lands.

2. Consequently, if any encroachments are being found, on the *shamlat Deh* land, 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 lands, 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 concerned.
6. The present petition is, accordingly disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 11, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No