

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28655-2023 (O&M)

Date of Decision : 20.12.2023

Kuldeep Singh

....Petitioner

VERSUS

State of Punjab and Others

....Respondents

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

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Mr. Maninder Singh, DAG Punjab.

-.-

SURESHWAR THAKUR, J. (Oral)

1. This Court on October 20, 2023, upon Civil Writ Petition No. 24003 of 2023, had made the hereinafter extracted directions, upon, the BDPO concerned:-

“ *Disposed of with a mandamus, upon, the BDPO concerned to forthwith institute an eviction petition against the encroacher(s) concerned, upon, the petition land, but preceding therewith, a valid demarcation of the petition lands shall be carried out. If, in the said validly conducted demarcation of the petition lands, encroachment(s) is revealed to be made by the encroacher(s) concerned, thereupon, the BDPO concerned, shall forthwith institute a petition for eviction before the competent authority concerned, who shall on receiving it, shall make a valid speaking decision thereon, within three months of its preferment before him, but after hearing all affected persons concerned.* ”

2. In pursuance to the said made directions, thus Annexure P-15 has been issued whereby the Panchayat resolution has been asked to be made by the Gram Panchayat, concerned, to seek in terms of the verdict (supra) hence a demarcation of the site concerned, so that, consequently, it is revealed or not revealed therein, whether or not on any *gair mumkin* street(s), thus owned by the *Sham Lat Deh* rather encroachments are made by any encroacher(s) who may be also the present petitioner.

3. The issuance of Annexure P-15 as stated supra, is in terms of the directions (supra). Therefore, any compliance as has made thereto, through the issuance of Annexure P-15, thus cannot be said to be either contemptuous or in departure of the order (supra) as became passed by this Court. Resultantly, this writ petition is mis-constituted and is liable to be dismissed as such.

4. Consequently, we find no merit in the present writ petition, which is dismissed accordingly.

5. Pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

December 20, 2023
tripti

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No