

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CWP-2024-2024
Date of Decision: 31.01.2024

Ranvir SinghPetitioner

Versus

State of Punjab and others
....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Parveen Kumar Garg, Advocate
for the petitioner.

Mr. Maninder Singh, Deputy Advocate General, Punjab.

Sureshwar Thakur, J. (Oral)

1. Emphatically, the *lis* involving the writ lands, when is sub *judice* before the learned jurisdictionally competent Civil Court, thereby, the above sub *judice lis*, thus, also constrains this Court, not to issue any mandamus, in respect of deciding representation Annexure P/6, rather qua the respondent concerned.

2. At this stage, the learned counsel for the petitioner submits, that he shall withdraw the said civil suit, as on account of encroachments being made on the disputed passage, which he submits to be owned by the Gram Panchayat concerned, that thereby, he has no access to his land. If so, it is open to the counsel for the petitioner to withdraw the said sub *judice* civil suit and, if as submitted before this Court, by learned counsel for the petitioner, that encroachments have been made on the *gair mumkin* rasta, owned by the

Gram Panchayat concerned, thereupon, a mandamus is made upon the BDPO

concerned, or the Sarpanch of the Gram Panchayat concerned to, after making a valid demarcation of the disputed passage, to thereafter institute a petition under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961, before the Collector concerned, who shall on receiving the said petition, thus, shall make a valid speaking decision thereon, but after hearing all affected persons concerned.

3. Disposed of along with pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

31.01.2024
Varinder Prashad

(LALIT BATRA)
JUDGE

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