

In the High Court of Punjab and Haryana at Chandigarh

(121)

CWP No. 2441 of 2024

Date of Decision: 5.2.2024

Paramjeet Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner has moved a representation (Annexure P-8) to the BDPO, Rupnagar with a grievance therein, that the Gram Panchayat concerned, is proposing to utilize the land owned, and, possessed by her. Consequently a request is made in Annexure P-8 to the BDPO concerned, to restrain the Gram Panchayat concerned, to utilize the land owned, and, possessed by her.

2. The said grievance, as ventilated in Annexure P-8 appears to be a result of some demarcation being made of the disputed land, by the demarcating officer concerned.

3. However, the learned State counsel submits, that the said demarcation, if any, which was made in terms of Annexure P-1, does not categorically reveals therein, the khasra numbers owned, respectively by the Gram Panchayat concerned, or by the present petitioner, so that thereby it can be well ascertained, whether the petitioner or the Gram Panchayat concerned, has made any encroachment upon the land(s) of each other abutting each other. Therefore, in the absence of a valid demarcation report being made, it is difficult, at this stage, to pass a direction upon the BDPO concerned, seized with Annexure P-8, to restrain the Gram Panchayat concerned from utilizing the land purportedly owned, and, possessed by the petitioner.

4. However, to ensure that the rule of law is adhered to, and, to also ensure that no arbitrary action becomes drawn by the Sarpanch of the Gram Panchayat concerned, thus qua the land purportedly owned, and, possessed by the petitioner, thereupon, it is deemed imperative to make a direction, upon the Collector concerned, to forthwith appoint a revenue officer to conduct a valid demarcation of the disputed site. In case, the said demarcation report reveals, that the Gram Panchayat concerned, is usurping the land owned, and, possessed by the present petitioner, thereupon it may relent from utilizing the said land. Contrarily, if in the said demarcation report, it is echoed that the petitioner has made an encroachment over the land owned, and, possessed by the Gram Panchayat concerned, thereupon, it is open to the BDPO concerned, or to the Sarpanch of the Gram Panchayat concerned, to forthwith institute an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, before the Collector concerned, who shall pass a lawful speaking order thereons, but after hearing all the affected persons concerned, besides within a period of six months of the said application becoming preferred before him.

5. The petition stands disposed of.

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

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

February 05, 2024
Gurpreet

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