

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2985-2024
Date of decision: 20.02.2024

NAIB SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Learned State counsel on instructions imparted to him by the officer concerned, submits that this Court may proceed to make a mandamus, upon the respondent Nos.2 to 6, to move an application before the Assistant Collector concerned, for thereby demarcation of the disputed path, and, of the cremation ground being made, so that consequently encroachments, if any, which are made thereovers are revealed therein, besides thereafter a petition for eviction under the provisions of Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), becomes filed against such encroachers before the Collector concerned.
2. The above submission made before this Court by the learned State counsel, on instructions imparted to him by the officer concerned, are accepted, and, thereby this Court proceeds to make a direction, upon respondent Nos.2 to 6, to file an application before the Assistant Collector

concerned, to appoint an empowered revenue officer concerned, to hold demarcation of the disputed path, and, of the cremation ground.

3. On such an application becoming preferred before the Assistant Collector concerned, the latter shall forthwith appoint an empowered revenue officer concerned, to hold demarcation of the disputed path, and, of the cremation ground, and, in case encroachments are revealed to be made thereons by the encroachers concerned, thereupon the BDPO or the Sarpanch of the Gram Panchayat concerned, is directed to forthwith institute an eviction petition under Section 7 of the Act, before the Collector concerned. On such an eviction petition becoming preferred, the same shall be most decided most expeditiously, but after hearing all concerned.
4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

20.02.2024
Ithlesh

(LALIT BATRA)
JUDGE

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