

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-16379-1996
Date of Decision : 18.01.2024

RULIYA AND ORS.Petitioners

Versus

STATE OF HARYANA AND ORS.Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr. P.K.S.Phoolka, Advocate for
Mr. Ravinder Jain, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (Oral)

1. The learned State counsel on instructions imparted to him submits that the impugned notices (Annexures P-1 to P-6), do not hold, any force in terms of any lawful eviction proceedings, being drawn, against the present petitioners.
2. He submits that thereby after allowing the writ petition and consequently setting aside the impugned notices, this Court may proceed to permit the Sarpanch of the Gram Panchayat concerned or the BDPO concerned or even any aggrieved from any unauthorized assumption of possession over the disputed lands, to thus forthwith institute, a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana), before the Assistant Collector concerned.
3. On such a petition being filed, it shall be lawfully decided through a speaking decision made thereons, but the said decision shall be made only after hearing all affected persons concerned, and, shall be positively made within a period of six months from its preferment.

4. Needless to state, that before the institution of the said petition, a valid demarcation shall be made of the petition lands, wherein, the participation of all the aggrieved concerned, shall be elicited and shall also be ensured.

5. Given the above made statement, this Court disposes of the writ petition and proceeds to quash the impugned Annexures. However, reserving the aforesaid liberty to the (supra).

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.01.2024

kavneet singh

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