

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5415-2024
Date of decision: 07.03.2024

GURDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.
Mr. Maninder Singh, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsel for the petitioner submits that despite Annexure P-4 acquiring binding and conclusive effect yet the said decree of eviction passed against the respondents concerned, rather remaining unenforced.
2. However, the learned State counsel submits, that Annexure P-4 has not acquired conclusive and binding effect nor thereby it was required to be enforced, as he submits that a challenge to Annexure P-4 has been raised by the aggrieved therefrom.
3. Be that as it may, even the learned State counsel submits, that the khasra numbers detailed in Annexure P-4 are different from the khasra numbers detailed in unactioned representations/letters (Annexure P/7 and P/8). If so as submitted before this Court by the learned State counsel on instructions imparted to him by the officer concerned, the remedy available to the present petitioner is to, through the aegis of the Sarpanch of the Gram Panchayat concerned, or the BDPO concerned, to forthwith institute a petition under Section 7 of The Punjab Village Common Lands (Regulation)

Act, 1961, before the learned Collector concerned.

4. On such a petition being filed before the learned Collector concerned, thereupon, the latter shall on receiving the same, make a lawful speaking decision thereons, but after hearing all affected persons concerned, yet positively within a period of six months from its preferment.
5. Needless to state, that before the institution of the said petition, a valid demarcation shall be made of the disputed lands, wherein, the participation of all the aggrieved concerned, shall be elicited and shall also be ensured. It is also needless to state that till a decision is made on the petition cast under Section 7 of the Act of 1961, thereuptos the parties are directed to maintain status in respect of the petition lands.

(SURESHWAR THAKUR)
JUDGE

07.03.2024
Ithlesh

(RITU TAGORE)
JUDGE

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