

239 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-6824-2020

Date of Decision : 16.01.2024

RAJNI DEVI

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Ankit Aggarwal, Advocate
for the petitioner.

Mr. P.P.Chahar, Sr. DAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for respondent No. 6.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioner becomes aggrieved from Annexure P-2, whereby in terms of Annexure P-1, police help has been asked for, rather for removing the unauthorized encroachment(s), as, made on land owned and possessed by the Gram Panchayat concerned.

2. If Annexure P-2, was made in pursuance to or was a warrant of possession, rather in terms of a validly recorded verdict(s) of eviction, passed by the competent statutory Authorities concerned, thereby the said made verdict(s) of eviction, if it did also acquire binding and conclusive effect, thus resultantly was required to become

completely and successfully enforced.

3. However, it is fairly submitted today before this Court, by the learned State counsel, that both the Annexures (Supra), rather became not issued in terms of any validly assumed jurisdiction, by the Assistant Collector concerned, upon, a petition becoming preferred before him by the Gram Panchayat concerned, thus seeking the eviction of the present petitioner from the land validly owned and possessed by the Gram Panchayat concerned.

4. In consequence, the issuance of the Annexures (supra), is completely flawed and/or is, outside the domain of the legally required embarked upon, or resorted to statutory proceedings, thus drawable or drawn against the errant encroachers, upon, the land owned and possessed by the Gram Panchayat concerned.

5. In sequel, the writ petition is allowed and the impugned Annexures (supra), are quashed and set aside, but leaving liberty to the Gram Panchayat concerned to, through its Sarpanch, as, duly authorized so, by a panchayat resolution, thus institute an eviction petition, before the Assistant Collector concerned, and/or, even a mandamus is also made upon, the BDPO concerned to 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.

6. On such a petition being filed before the Assistant Collector concerned, 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 three months from its preferment.

7. 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.

8. Since the main case itself has been disposed of, thus, all pending applications, if any, are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

16.01.2024

kavneet singh

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