



In the High Court of Punjab and Haryana at Chandigarh

[126]

CWP-10767-2024
Date of Decision: 09.05.2024

RASEED PETITIONER
VERSUS
STATE OF HARYANA AND OTHERSRESPONDENTS

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

Present: Mr. Ajam Khan, Advocate for
Mr. Talim Hussain, Advocate for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner becomes aggrieved from Annexure P-3.
The contents of Annexure P-3 are, *ad verbatim*, extracted hereinafter.

“xxxx xxxx xxxx xxxx xxxx xxxx

Regarding the subject captioned above, it is informed to you that as per oral order of Sub Divisional Officer (Civil), Punhana you have illegal possession over Panchayati Raqba. You have no right to have illegal possession over panchayati Raqba. Therefore, you are hereby ordered to ensure to evict the illegal possession from Panchayati Raqba within 7 days. In case of delay or negligence eviction proceedings will be initiated as per rule.”

2. The learned counsel for the petitioner contends, that the above extracted contents carried in Annexure P-3, are completely surmisal, and, also suffer from a gross vice of completest non-application of mind. Learned counsel further submits, that the above arguments become premised on the ground, that the direction made in Annexure P-3 upon the present petitioner, was made only on oral directions becoming imparted by the Sub Divisional Officer concerned, to the author of the said Annexure. Moreover, he also submits that since no specific

khasra numbers have been mentioned in Annexure P-3, thereby also, the said impugned annexure suffers from a gross perversity, and, absurdity.

3. Apparently, on *a* reading of above extracted contents of Annexure P-3, it is manifested that the above said arguments addressed before this Court, are both tenable, and, as such, required to be accepted.

4. Consequently, the impugned Annexure is required to be quashed and set aside. Nonetheless, even if, the present petitioner has made encroachments, upon the lands possessed by the Gram Panchayat concerned, thereupon, the said encroachments are required to be removed, but only after the *Sarpanch* of the Gram Panchayat concerned, thus, adhering to the process of law. The contemplated process of law, thus, for ensuring evictions of the encroachers from Gram Panchayat lands, is embodied in Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961.

5. Consequently, the *Sarpanch* of the Gram Panchayat concerned, may, in terms of a validly demarcation report, wherein, encroachments are revealed to be made on lands owned by Gram Panchayat Concerned, thus, at the instance of the present petitioner, hence proceed subsequently to institute a petition for eviction.

6. 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 four months from its preferment.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

May 09, 2024
ANJAL