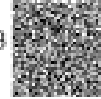


2024:PHHC:076784-DB



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

CWP-12710-2024
Date of Decision : 29.05.2024

SIHANK TANWARPetitioner

Versus

STATE OF HARYANA AND OTHERSRespondents

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

Present : Mr. Govind Chauhan, Advocate
for the petitioner.

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

Mr. A.D.S.Sukhija, Advocate
for respondents No. 8 to 10.

SURESHWAR THAKUR, J. (Oral)

1. In the instant writ petition, it is alleged that co-respondent No. 9, who is Sarpanch of village Assan Khurd, Tehsil Matlauda, District Panipat is illegally occupying land measuring 3 Acres comprised in Khasra No. 34/2/1, 35/24/2, 2538, 39/1/11, lands whereof are averred to become designated as *charand land*, besides it is also averred that despite khasra No. 69 (104-15) being designated in the revenue records as *Gair Mumkin Johar*, yet thereovers also co-respondent No. 9 has made illegal occupation.

2. It is averred in the writ petition that despite various communications being made to the competent authorities, respectively for making valid demarcation(s) of the sites (supra), besides for

2024:PHHC:078784-DB



consequent thereto action being taken against co-respondent No. 9, yet no positive action takings have yet emanated at the instance of the competent authority.

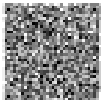
3. Therefore, the present petitioner has accessed this Court for certain directions being passed upon the concerned, not only for a valid demarcation being made of the disputed sites, but also for thereafters mandamus being passed upon the concerned, to draw actions against co-respondent No. 9, thus for thereby ensuring that the above stated sites are free from illegal occupations or construction(s) as are made thereovers.

4. Today, the learned Additional Advocate General, Haryana has placed on record a demarcation report, which became conducted by the *Halka Patwari*, but a reading of the said report reveals that there is no speaking therein that he had made demarcation(s) in terms of the relevant rules, as embodied in the Punjab Land Records Manual.

5. Therefore, the Assistant Collector First Grade concerned, is directed to appoint an empowered revenue officer to conduct a valid demarcation(s) of the disputed sites and it is also directed that notices be served upon all concerned, about the date when the empowered revenue officer visits the sites concerned, for making valid demarcations thereof.

6. It is expected that all concerned shall participate in the said demarcation to be conducted by an empowered revenue officer concerned. In case certain encroachment(s) or occupation(s) on the lands (*supra*), are revealed in the demarcation report to be made at the

2024:PHHC:078784-DB



instance of the encroachers, thereupon the District Collector concerned shall proceed to direct the BDPO or the Sarpanch of the Gram Panchayat concerned, to forthwith institute an eviction petition.

7. The learned counsel for respondents No. 8 to 10 submits that he has instructions to state that the Gram Panchayat concerned shall co-operate with the demarcating officer concerned, in his making demarcation of the disputed sites but it is expected that the petitioner shall likewise co-operate and in case the petitioner does not co-operate in the demarcation of the disputed site becoming conducted, thereupon the petitioner may become estopped to re-access this Court.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

29.05.2024

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