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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13410-2024
Date of decision:30.05.2024

ATMA SINGH & ORS
...Petitioners
Versus
STATE OF PUNJAB AND OTHERS
...Respondents

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

Present: Mr. Rajiv Kataria, Advocate
for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners are arrayed, as respondents in the eviction petition filed against them under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961. The grievance raised by the present petitioners, is that, reliance and dependence as made upon the demarcation report is inapt as it was prepared without their presence being elicited by the Demarcating Officer concerned, when he proceeded to make demarcation of the disputed site.
2. Consequently, it is argued most vociferously before this Court by the learned counsel for the petitioners, that thereby the said demarcation report is flawed, on the ground that it is prepared through non compliance being made to the norm of *audi alteram partem*.
3. If so, the jurisdictionally competent Assistant Collector concerned, is directed to forthwith ensure that a valid demarcation of the



disputed site is made but only after the present petitioners becoming ensured, through summons being validly served upon them to participate in the said demarcation proceedings.

4. In case in the said demarcation report, no encroachments are revealed to be made, at the instance of the present petitioners over the subject lands, thereupon the said demarcation report be ensured to be tendered, and, also be ensured to be proven by the author of the demarcation report stepping into the witness box.

5. Consequently, on the basis of the said demarcation report but at the stage (supra), it is open to the petitioners to move an application before the Assistant Collector concerned, for causing their deletion from the array of respondents in the eviction petition.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

30.05.2024
Ithlesh

(LALIT BATRA)
JUDGE

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