



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(1) CWP No.14930 of 2024
Date of Decision: 17.09.2024

Gurmeet Singh and othersPetitioners.

Versus

State of Haryana and othersRespondents.

(2) CWP No.15497 of 2024 (O&M)

Baljeet Singh and othersPetitioners.

Versus

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vikram Singh, Advocate
for the petitioners in both the petitions.

Mr. Saurabh Mago, DAG, Haryana
for respondents No.1 to 5 in both the petitions.

Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for respondent No.7 in CWP No.15497 of 2024.

G.S. SANDHAWALIA, J.(Oral)

The present two writ petitions have been filed by the
petitioners, who are residents of village Dhurkara, Tehsil and District
Ambala for setting aside the letter dated 28.06.2024 (Annexure P-5) issued



by respondent No.5-Block Development & Panchayat Officer.

2. Apparently, respondent No.6-Gram Panchayat had filed the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act') for ejectment of Navjodh Singh, Jagdeep Singh and Gurmeet Singh. The ejectment order dated 21.12.2023 (Annexure P-2) was passed by Assistant Collector 1st Grade, Ambala and the petition bearing ***CWP No.14930 of 2024*** has been filed by Gurmeet Singh, wherein Kuldeep Singh and Balwinder Chopra @ Rinku have also been arrayed as petitioners No.2 and 3.

3. Similarly, another order was also passed against petitioner Kuldeep Singh on the same day and his appeal is also pending before the Collector. Thus, two appeals bearing No.4 and 5 are pending before the District Collector, Ambala, who, vide order dated 02.02.2024 (Annexure P-4), had granted the stay till 23.02.2024 by directing a fresh demarcation and submitting of the report. It is in such circumstances, the petitioners in ***CWP No.14930 of 2024*** are before us.

4. Subsequent to the order dated 02.02.2024 (Annexure P-4), vide impugned letter dated 28.06.2024, respondent No.5-Block Development & Panchayat Officer had sought to implement the order of the District Collector also of even date as the demarcation had been done on 06.03.2024 in compliance of the earlier order of the Collector. Resultantly, the stay was granted by the Co-ordinate Bench vide order dated 03.07.2024.



5. Since the appeal is pending before the Collector for 21.09.2024, we are of the considered opinion that the interim protection should continue till the decision of the appeal and the Collector is directed to decide the appeal within a period of two months from the date of receipt of the certified copy of this order.

6. Needless to say that we have not commented anything on the merits of the case and it is open to the Collector to take a call on the basis of the record before him.

7. Similarly, in the petition bearing ***CWP No.15497 of 2024*** filed by petitioners Baljeet Singh, Jasbir Singh, Charan Singh and Gurmail Singh, challenge has been raised to the letter dated 28.06.2024 (Annexure P-5) issued by respondent No.5-Block Development & Panchayat Officer, wherein, apparently, is on the basis of the demarcation report dated 06.03.2024, the petitioners were also sought to be dispossessed as the directions were issued to remove the illegal encroachments. In such circumstances, we are of the considered opinion that without giving an opportunity by following the procedure prescribed, such directions cannot sustain as even if the proceedings have to be initiated under the provisions of the Haryana Panchayati Raj Act, 1994 (for short 'the 1994 Act') on the basis of demarcation report, adequate notice will have to be issued under Section 24 of the 1994 Act, keeping in view the law laid down by the Co-ordinate Bench in ***CWP No.19864 of 2020*** titled as ***Gram Panchayat Thandran Versus State of Haryana and others***, decided on 18.01.2023.



8. Accordingly, we give liberty to the State to take appropriate steps in accordance with law to get the illegal encroachments removed either by following the procedure under Section 7 of the 1961 Act against the writ petitioners in ***CWP No.15497 of 2024*** or by issuing requisite notice under Section 24 of the 1994 Act so that they can show cause as to whether the demarcation report is wrong or not.

9. Both the writ petitions are, accordingly, disposed of.

**(G.S. SANDHAWALIA)
JUDGE**

September 17, 2024
Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*