



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.17999 of 2024
Date of Decision: 31.07.2024**

Baldev Raj

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Saurabh Mago, DAG, Haryana.

G.S. SANDHAWALIA, J.(Oral)

Prayer in the present writ petition is for issuance of a direction to the official respondents No.1 to 4 to take appropriate action against private respondents No.5 and 6 to remove illegal encroachment on Khasra No.78, which is public path/Gohar, situated at Village Barouli, District Ambala, in view of the demarcation report dated 30.09.2023 (Annexure P-5) prepared by Girdawar Halqa/Local Commission.

2. Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 (for short 'Act of 1961') provides that an Assistant Collector of the First Grade having jurisdiction in the village may, either suo moto or on an application made to him by a Panchayat or an inhabitant of the village or the Block Development and Panchayat Officer or Social Education and Panchayat Officer, or any other Officer authorised by the Block



Development and Panchayat Officer, after making such summary enquiry as he may deem fit and in accordance with such procedure as may be prescribed, eject any person who is in wrongful or unauthorised possession of the land or other immovable property in the shamilat deh of that village which vests or is deemed to have been vested in the panchayat under this Act. The proviso further provides that if in any such proceedings the question of title is raised and proved *prima facie* on the basis of documents that the question of title is really involved, the Assistant Collector of the first grade shall record a finding to that effect and first decide the question of title in the manner laid down in the Act.

3. Thus, apparently, the appropriate remedy available to the petitioner against the private respondents is under the provisions of the Act of 1961 and it would not be appropriate for this Court to issue any direction as sought in the present petition.

4. Faced with this situation, learned counsel for the petitioner does not press this petition, however, with the liberty to the petitioner to approach the concerned authorities for redressal of his grievance, in accordance with law.

5. Accordingly, the instant writ petition is dismissed as not pressed with the liberty aforesaid.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 31, 2024
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: No