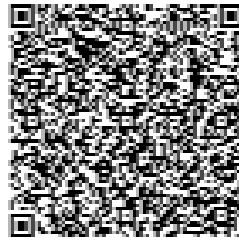


2024:PHHC:100398-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-18743-2024
Decided on : 06.08.2024

Telu Ram

.....Petitioner(s)

Versus

Gram Panchayat, Kasaur & others

.....Respondent(s)

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

Present: Mr.Surender Dhull, Advocate for the petitioner (s).

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

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is for issuance of direction to respondent No.1-Gram Panchayat, Kasaur to restore the possession of the petitioner as per the demarcation report (Annexure P-4).

2. Petitioner claims that Khasra No.122/2 which measures 39 kanals and 8 marlas, shown as *Gair Mumkin Johad* and part of which had been given by the petitioner to the Gram Panchayat to utilize the same in proper manner. It is his case that on account of encroachment by other private-respondents and other villagers, demarcation was got done and resultantly, it is his grouse that possession was taken of the agricultural land of the petitioner and thus, it is his case that the Gram Panchayat should have filed an ejectment application under Section 7(2) of the Haryana Village Common Lands (Regulation) Act, 1961.

3. Apparently, as per the pleadings itself, petitioner is no longer in possession and as per the pleadings, the dispute in issue arise whether there was any arrangement and he was given some land by the Gram Panchayat for utilization. Nothing in the form of resolution has been placed on record to show that there is any exchange of land which belongs to the Gram Panchayat, in lieu of the land of the petitioner. In such circumstances, since disputed questions arise, we are of the considered opinion that the same cannot be settled by the Writ Court. It is for the petitioner to approach the authority(s) under the relevant provisions of the Act for the necessary relief.

4. Resultantly, we decline to entertain the present writ petition and the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

06.08.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No