

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:104274-DB



(113)

CWP-19462-2024
Decided on :13.08.2024

Gram Panchayat Beri, Nisfi through Sarpanch Suraiya Begam

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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

Present: Mr. Khalid Tauru, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

In the present writ petition filed under Articles 226 & 227 of the Constitution of India, the petitioner-Gram Panchayat seeks removal of illegal encroachment of private respondent Nos.5 to 18 from the Panchayat land situated in village Beri Nisfi, Tehsil Tauru, District Nuh and, accordingly, seeks decision of the representation dated 20.07.2024 (Annexure P-2).

2. A perusal of the said representation would go on to show that demarcation has also been done and in such circumstances, representation has been filed.

3. We are of the considered opinion that there is an efficacious and alternative remedy available as per Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961, which provides that the Assistant Collector of the 1st Grade on an application made to him by a Panchayat or inhabitant of the village can pass order of ejectment of any person who is in wrongful or

unauthorized possession of any land or immovable property of the Shamlat deh of the village. In such circumstances, once there is an alternate remedy is available with the petitioner, we do not feel it is a fit case to issue directions to decide the representation, as the rights of the private respondents would be affected. Even otherwise, disputed questions would arise to the extent of demarcation whether it is the Shamlat land or not.

4. Accordingly, the present writ petition is disposed of with liberty to the petitioner-Gram Panchayat to avail of the alternate remedy in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

13.08.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No