

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

CWP-4929-2024

Date of decision 01.03.2024

Raj Rani

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.K. Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 07.07.2022 (Annexure P-19) and directing respondents No.1 to 4 to hand over the vacant possession of the land of petitioner measuring 2 bighas and 7 biswas (2368 yd.2) comprising Khasra Nos.3728/2209(0-4); 3730/2210(0-17); 2211(1-8) entire Commercial Land grabbed/encroached upon by respondents No.1 and 2 jointly without any authority of law, along with mesne profits and compensation at the market rate in lieu of the crops since encroachment of the land till the vacant possession of the land is physically handed over to the petitioner or in alternative, the respondents be directed to give equal area of irrigated land of same quality in the vicinity to the petitioner along with mesne profits for the period of forced encroachment and productive use of the land of the petitioner by respondents No.1 and 2 or in alternative, respondents be directed to pay fair compensation at the prevailing actual market price minus Rs.20,58,000/- paid for just 16 biswas 16 biswansi or 849.7959 yd.2 out of entire encroached land measuring 2 bighas & 7 biswas i.e. 2368 yd.2 and paid at arbitrary rate in the learned contempt court in alleged compliance of order passed in CWP-10172-2015 and paying nothing for the remaining encroached land measuring 1518.2041

sq yds (along with the mesne profits to the petitioner till actual payment of the amount thus arrived at) in respect of the entire remaining encroached commercial land (in canal and raised forestry) and presently with respondents No.1 and 2 and as substantiated by Kanungo and reiterated in Para No.12 and the representation dated 05.10.2014 (Annexure P-6), 15.04.2021 (Annexure p-15) and P-19 attached to the instant petition. But respondents No.3 rejecting representation of petitioner dated 15.04.2021 by evasive impugned speaking order dated 07.07.2022 (Annexure P-20) and arbitrarily dealing with only Annexure P-16 biswa and 16 biswansi (849.7959 sq yds) of encroached land and mischievously keeping mum over entire remaining encroached land measuring 1518.2041 sq yards.

After arguing for some time, learned counsel for the petitioner submits that he may be allowed to withdraw the present petition with liberty to the petitioner to avail alternative remedy as available to her under law.

Allowed as prayed for.

Dismissed as withdrawn with liberty as prayed for.

01.03.2024
m. sharma

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

(RAJESH BHARDWAJ)
JUDGE