



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.21205 of 2024
Date of Decision: 30.08.2024

Harchand Singh & Others
.....Petitioners

Versus

Director Rural Development and Panchayat/
Joint Development Commissioner (IRD) Punjab & Others
...Respondents

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

Present:- Mr. Deepak Aggarwal, Advocate,
for the petitioners (*Joined through Video-Conferencing*).

Mr. Shekhar Verma, Additional AG, Punjab,
for respondents No.1 to 3.

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G.S. SANDHAWALIA J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing the official respondents No.1 and 2 to remove the respondents No.4 to 6 from the Panchayat land as they are in unauthorized and illegal possession, as the land in question is otherwise being used as “*Hadda Rori*” by the petitioners and the other villages. A further prayer has been made to look into the representation dated 06.04.2024 (Annexure P-2).

2. The Writ Petition is based on the strength of the resolution dated 06.04.2024 (Annexure P-1) passed by the Gram Panchayat of Village



Saholi, Tehsil Nabha, District Patiala and the same was sent to the Panchayat Secretary and Administrator, Gram Panchayat for taking further necessary action. In the resolution, it is alleged that the private respondents had ploughed the land of “*Hadda Rori*” falling in Mustkeel No.132 Khasra No.62 measuring 03 kanals and the “*Burjian*” installed by the revenue department has been uprooted and legal action had been proposed against the said private respondents.

3. The representation dated 06.04.2024 (Annexure P-2) has been filed as mentioned above, wherein it is stated that there is no place to bury the dead animals and an allegation has been levelled that respondent No.6 is behind the illegal possession as such being the *Numberdar*.

4. Counsel for the petitioners has also referred to the letter written to the police authorities-respondent No.3 on 10.04.2024 (Annexure P-3) for taking action against the said persons.

5. Notice of motion.

6. Mr. Shekhar Verma, learned Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3.

7. Keeping in view the above facts and circumstances, since the representation dated 06.04.2024 (Annexure P-2) is still lying pending with the respondents, we do not propose to issue notice to respondents No.4 to 6 as it will only delay the decision making process and we are not making any observation on the merits of the case at this point of time.

8. Resultantly, we direct the official respondents to take decision on the resolution dated 06.04.2024 (Annexure P-1) and representation



dated 06.04.2024 (Annexure P-2) filed by the petitioners. If the allegations are found to be true, respondent No.2-Collector (Panchayat Land)-cum-District Development and Panchayat Officer, Patiala, shall pass appropriate orders if there is no legal impediment after hearing the private respondents. The order then shall be implemented by respondent No.3-Station House Officer, Police Station Bhadson, District Patiala and the land be restored to its original position. The said exercise be completed within a period of two months from the date of receipt of copy of this order

9. With the above-said observations, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

August 30, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No