

2024:PHHC:145505-DB



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

(118)

CWP-29395-2024

Decided on : 07.11.2024

Yogesh & others

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE DEEPAK GUPTA**

Present: Mr.A.K.Yadav, Advocates for the petitioners.

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

Mr.Talim Hussain, Advocate, for respondent No.4.

G.S. Sandhawalia, J.(Oral)

1. The present writ petition, filed under Article 226/227 of the Constitution of India is directed against the illegal encroachment over the land of respondent No.4-the Gram Panchayat of Village Amarpur Jorasi, Tehsil Narnaul, District Mahendergarh, which is stated to be regarding the land reserved for common purposes the details of which have been given in the prayer clause. Representations (Annexures P-5 to P-8) have been filed which are sought to be acted upon.

2. In our considered opinion, if the petitioners have any such grouse, they can file a petition under Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 which provides right of an inhabitant to file an application apart from the fact that the Gram Panchayat can also initiate proceedings. Accordingly, once a statutory remedy is available and since disputed questions would arise regarding which of the person is in possession

of how much area and the same has to be adjudicated upon, which is a factual matrix. It is also to be noticed that the persons in illegal possession have not been arrayed as party and directions cannot be issued against the said persons without complying with the principles of natural justice.

3. Accordingly, once there is a statutory remedy available, we are of the considered opinion that the present writ petition is not maintainable and the same is dismissed, as such, with the liberty to avail the remedy as provided under the statute, if they wish to.

(G.S. SANDHAWALIA)
JUDGE

07.11.2024
sailesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No