

In the High Court of Punjab and Haryana at Chandigarh

(109)

CWP No. 29481 of 2023
Date of Decision: 16.1.2024

Boota Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. N.S.Dandiwal, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The learned State counsel, does not oppose, the making of a mandamus, upon the BDPO concerned, to forthwith institute a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act of 1961), before the Collector concerned, for thereby ensuring the eviction of the encroachers from the disputed land concerned.
2. In view of the above, the instant petition is disposed of, but with a mandamus, upon the BDPO concerned, to forthwith institute a petition under Section 7 of the Act of 1961, before the Collector concerned. However, before the said petition is instituted, the BDPO concerned, shall ensure that a valid demarcation of the relevant site is conducted by an empowered revenue officer concerned, and, in case, in the said demarcation, it is revealed, that some encroachments are being made on the disputed lands, thereupon, he shall institute the said petition before the Collector concerned. On receiving the said petition, the Collector concerned, shall

make a valid speaking decision thereons, but after hearing all the affected persons concerned, besides within a period of two months from its preferment.

3. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

January 16, 2024
Gurpreet

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