



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.34202 of 2024
Date of Decision: 18.12.2024

Balwinder Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

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

Present:- Mr. Saurabh Kapoor, Advocate for
 Mr. Buta Singh Bairagi, Advocate
 for the petitioner.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

The prayer in the present writ petition is for issuance of a writ in the nature of mandamus directing respondents No.2 to 6 to remove the illegal encroachment from the Panchayat Land measuring 01 Kanal 06 Marlas falling in Khewat No.903/911, Khatauni No.1662 Khasra No.1795 owned by Gram Panchayat Village Dod, District Faridkot. It has also been mentioned that respondent No.4-Block Development and Panchayat Officer, Kot Kapoora, District Faridkot, had made a false submission regarding removal of illegal encroachment in the earlier round of litigation bearing **CWP No.19510 of 2022**, which had been disposed of on 14.03.2023 (Annexure P-8).



2. The cause of action as such is, now, based on a letter dated 20.12.2023 (Annexure P-9) written by the said respondent to the Executive Magistrate regarding fixing of a date to remove the illegal occupation in the said Khasra Number. Though the earlier written-statement filed has not been appended with the present writ petition but a perusal of the copy of the same would go on to show that there was a specific stand taken by the said official respondent that the possession had been taken and handed over and even the Gram Panchayat had passed a resolution as such. Paragraph No.5 of the said written-statement reads as under:-

*“5. That apart from above it is pertinent to mention here that Case No. CS/18/2019 for removing illegal possession from Khewat No.903/911, Khatauni no.1662, Khasra no.1795/1-6 of village Dod, Tehsil Jaitu, District Faridkot has been disposed of by the Court of Ld. Additional Civil Judge (SD), Jaitu on 07.07.2022. In this regard, the Gram Panchayat i.e. the respondent No.6 has taken possession of the above said land as is evident from Resolution No. 1 dated 12.10.2022. A true translated copy of the resolution dated 12.10.2022 is being annexed herewith as **Annexure R-4/1/T.**”*

3. The replication, which was filed by the petitioner, was just a plain denial regarding the contents of Paragraph No.5 that the Gram Panchayat has taken the possession.

4. In such circumstances, once the possession had already been taken and the writ petition had been disposed of giving liberty to the petitioner qua another Khasra Number to take recourse to separate proceedings, in our opinion, no further cause of action as such arises and



there is nothing on record to show that there is any encroachment as no fresh demarcation report has been placed on the record. Only a communication, which is addressed by one of the official, would not give a separate cause of action. The resolution had been attached with the earlier written-statement also wherein it has been mentioned that the Gram Panchayat on 12.10.2022 had noticed that the civil litigation has been dismissed on 07.07.2022 due to the non-appearance of one Iqbal Singh and thereafter, the possession had been taken and the BDPO was to be informed accordingly.

5. Learned State counsel has also placed the photocopy of the report received from the said respondent dated 18.12.2024 which also substantiates this fact that there is no encroachment upon the said Khasra Numbers. Therefore, we feel that the petitioner has not put-forth his case prima-facie to show that in the intervening period, there has been any fresh encroachment which can only be done on the basis of some report of the revenue official which is not available on the record.

6. In such circumstances, we do not feel that it a fit case to proceed further and the present writ petition is dismissed in *limine*, leaving it open to the petitioner to take recourse to his remedies, if so desired.

(G.S. SANDHAWALIA)
JUDGE

18.12.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No