

2025:PHHC:010970



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

COCP-236-2025 (O&M)
Decided on:-24.01.2025

Jora Singh Bhullar

....Petitioner..

VS.

Sh. KAP Sinha (IAS), Chief Secretary to Govt.of Punjab
and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Sewak, Advocate,
for the petitioner.

Mr. Vikram Singh Dadwal, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for initiation of contempt proceedings against the respondents for the alleged willful non-compliance of order dated 28.01.2011 passed by the Hon'ble Supreme Court in SLP (Civil) No.1829-2021, titled as ***“Jagpal Singh vs. State of Punjab”***, ***reported as (2011)11 SCC 396***. The operative part thereof is reproduced hereunder:-

“Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/ Poramboke /Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to

do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.”

2. Learned counsel for the petitioner submits that though an eviction order dated 04.01.2021 was passed by the Collector, in exercise of powers under Sections 4, 5 & 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, however, the same has yet not been enforced upon; the possession has not been taken over from the unauthorized occupants and thus, the respondents need to be proceeded against.

3. I have heard learned counsel for the petitioner and gone through the paper book.

4. A perusal of record shows that the order dated 04.01.2021 stands assailed at the instance of alleged unauthorized occupants by way of statutory appeal, which is pending consideration and vide order dated 25.05.2023 passed by a Division Bench of this Court in CWP-11502-2023, the parties have been directed to maintain status quo till the decision on the stay application by the Appellate Authority. Although, the Appellate Authority was directed to pass a speaking order and decide the statutory appeal within two months, however, it has been pointed out that the appeal

is still pending.

5. In such circumstances, wherein, the appeal against the eviction order dated 04.01.2021 is pending consideration and *status quo* was ordered to be maintained by the Writ Court vide order dated 25.05.2023, it cannot be recorded that there has been willful non-compliance of the eviction order or even the directions issued by the Hon’ble Apex Court on the part of the respondents. Accordingly, the present petition being devoid of merit is dismissed.

24.01.2025
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(HARKESH MANUJA)
JUDGE

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