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

**CWP-1540-2025 (O&M)
Date of Decision: 21.01.2025**

Bhagat Singh

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Rahul Bansal, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

Petitioner (Bhagat Singh) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Mandamus for directing respondent No.2 (Deputy Commissioner, Faridabad) to decide the complaint dated 03.10.2023 (Annexure P-2) pending against respondent No.5 (Kamal Singh), who is the Sarpanch of Gram Panchayat Faizupur Khadar, Sub Tehsil Dayalpur, District Faridabad, Haryana.

2. Briefly, the elections to the Panchayat of Village Faizupur Khadar were held in the year 2022, wherein respondent No.5 (Kamal Singh) was elected as the Sarpanch. According to the petitioner, at the time of submitting his nomination, respondent No.5 (Kamal Singh) had given an undertaking/affidavit stating that he does not have any unauthorized/illegal possession over any Panchayat land.

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2.1 Petitioner states that he has submitted a complaint against respondent No.5 (Kamal Singh) to respondent No.2 (Deputy Commissioner, Faridabad) seeking his removal/termination from the post of Sarpanch on account of unauthorized possession over the Panchayat land.

2.2 The said complaint submitted by the petitioner was marked for enquiry to SDM Faridabad, who further directed Tehsildar Dayalpur to visit the spot and enquire about the matter. It is claimed that the Tehsildar Dayalpur had reported that respondent No.5 (Kamal Singh) was in unauthorized possession of the Panchayat land.

2.3 Accordingly, it is submitted that despite respondent No.5 (Kamal Singh) found to have encroached upon Panchayat land, no action has been taken upon him, hence the present writ petition has been filed before this Court.

3. Heard.

4. In the present case, the petitioner alleges that no action has been taken by respondent No.2 (Deputy Commissioner, Faridabad) against respondent No.5 (Kamal Singh) on account of his being in unauthorized possession of Panchayat land.

5. Petitioner, in support of his plea that respondent No.5 (Kamal Singh) is in unauthorized possession over Panchayat land, places reliance upon a site plan (Annexure P-3).

6. I have gone through the said site plan which bears the heading as demarcation plan of Village Fajjupur, Ballabgarh.

7. Learned counsel for the petitioner could not point out to any report suggesting that respondent No.5 (Kamal Singh) is in unauthorized possession of any Panchayat land.

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8. Be that as it may, in case the petitioner alleges unauthorized possession of respondent No.5 (Kamal Singh) over any Panchayat land, he is well within his rights to file an eviction petition in terms of Section 7 of the Haryana Village Common Land Act, 1961, according to which any inhabitant of the Village is entitled to make an application to the Assistant Collector 1st Grade, having jurisdiction in the Village to seek eviction of a person who is in wrongful or unauthorized possession of the land or other immovable property in the *Shamlat Deh* of that village, which vests or is deemed to have been vested in the Panchayat under the Act.

8.1 In case, any such eviction order is passed, the petitioner would be within his rights to move an appropriate complaint before the concerned/competent Authority to seek action against respondent No.5 (Kamal Singh) in accordance with law.

9. Accordingly, the present petition is dismissed with the aforesaid observations.

10. All pending application(s), if any, shall also stand closed.

21.01.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No