

2025 P-HC:005775-DB



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

**CWP-PIL-25-2019 (O&M)
Date of decision: 15.01.2025**

Lakhwinder Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH**

Present: Ms. Aarushi Garg, Advocate,
for the petitioners.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Baltej Singh Sidhu, Senior Advocate,
with Mr. Gurpreet S. Brar, Advocate,
and Mr. Rakesh Roy, Advocate,
for respondent Nos. 2 and 5.

Mr. Akshay Jindal, Advocate,
and Mr. Vrishank Suri, Advocate,
for respondent Nos. 6 to 11,
and for the applicants (in CM-14-CWPIL-2025).

Mr. Sherry K. Singla, Advocate,
for the applicants (in CM-132-CWPIL-2024)

SHEEL NAGU, C.J. (ORAL)

This petition has been filed raising the public cause
that public land in the city of Phillaur, has been encroached
upon by several persons, including respondent Nos.6 to 11
and neither the Municipal Authorities nor the functionaries of
the State of Punjab are evicting the said encroachers.

2. The Executive Officer, Municipal Council, Phillaur, filed his affidavit on 11.01.2023, which is already on record, wherein it is not denied that there is encroachment on the public land. Instead, it is revealed that certain notices under Section 172A of the Punjab Municipal Act, 1911, have been issued, which for the reasons best known to the Municipal Council, could not reach their logical end. As a result, the encroachment continues to exist.

3. It is the statutory duty of the Local Bodies to ensure that the land and properties belonging to them remain free of encroachments. In the present case, it appears that despite admitting that there is encroachment over the Municipal land, no effort has been made to evict the encroachers.

4. In view of the above, this Court disposes of the petition with following directions:-

- (i) If the encroached area has not been demarcated, then the same shall be demarcated within a period of 30 days from today by following the due process of law.
- (ii) Based on demarcation report, in case any encroachments are found, then each encroacher be served with notice of eviction, by following the appropriate mode of service prescribed by law.
- (iii) In case, no reply is filed within 30 days of service or deemed service of notice(s), extendable by another 15 days in exceptional cases for reasons to be recorded in writing, then encroachments be physically removed, if necessary, by applying reasonable and

permissible force.

- (iv) In cases, where reply of show cause notice is filed, the same shall be considered by passing a speaking order and communicating the same to the alleged encroacher, who will then be extended opportunity of 30 days to avail statutory remedy, if any, or approach the Civil Courts, in cases where claim is of title. If, the alleged encroacher is unable to make available any restraint order from quasi-judicial or judicial forum within the said 45 days of communication of speaking order, then the respondents are directed to physically remove the encroachments.
- (v) The report of making the Municipal land free of encroachment shall be filed well before 30.04.2025.
- (vi) If compliance report is not filed by the Municipal Authorities/functionaries of the State of Haryana by 30.04.2025, then this matter shall be taken up as PUD for ensuring compliance.

5. For the present, this CWP stands disposed of.

6. All other pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

15.01.2025

Ajay Prasher

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