

2026:PHHC:018115



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

COCP-3958-2025 (O&M)
Date of Decision: 04.02.2026

Gurmail Singh

....Petitioner

Versus

Ramvir, IAS, Secretary, Mandi Board PunjabRespondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Munish Jolly, Advocate, for the appellants.
Mr. Sanjeev Sharma, Advocate, for the respondent.

VIKRAM AGGARWAL, J.

Reply filed by way of affidavit of Shri Rambir, Secretary, Mandi Board Punjab, Mandi Bhawan, SAS Nagar, in the Registry, is taken on record.

2. The instant petition, preferred Section 12 of the Contempt of Courts Act, 1971, alleges willful disobedience of the directions issued by a Division Bench of this Court, vide order dated 08.05.2025 passed in CWP-13010-2025:-

“(3) Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No. 2-Secretary Mandi Board, Mandi Bhawan, SAS Nagar to take a decision on the aforesaid legal notice served on behalf of the petitioners, by passing a speaking order and after affording opportunity of hearing to all concerned, preferably within one month from the date of receipt of a copy of this order.

(4) Needless to add that the decision so taken be communicated to the petitioners and if the same is not to the satisfaction of the petitioners, they would be at liberty to challenge the same, in accordance with law.”

3. In compliance thereof, order dated 10.06.2025 (Annexure P.5) was passed by the Secretary, Punjab Mandi Board and the matter was referred to the Deputy Commissioner, Mohali, with a direction to constitute a Committee of concerned officials to conduct the demarcation of the disputed property and to take any other consequential measures, including removal of encroachments etc:-

“1. The petitioners had earlier served a legal notice dated 10.03.2025, alleging that while laying the metalled road over the Phirni of Village Giga Majra, the executing agency (Mandi Board) deviated from the original alignment as per the revenue map (Lathha), and thereby facilitated encroachment by specific private parties.

2. The said issue was escalated before the Hon'ble High Court via CWP No. 13010 of 2025, and the Court, vide order dated 08.05.2025, directed the Secretary, Punjab Mandi Board, to decide the legal notice after hearing all parties and to pass a speaking order.

3. In the meantime, the Executive Engineer, Mandi Board, issued an encroachment notice dated 21.04.2025 to Avtar Singh of Village Giga Majra, based on a Revenue Department demarcation dated 07.03.2025, observing that the boundary wall of his house encroaches upon the road, reducing its width and posing safety risks.

4. The petitioners also submitted an application under Section 379 of BNSS, 2023, alleging submission of a false demarcation report in separate proceedings

under the Punjab Village Common Lands Act, seeking initiation of criminal proceedings.

5. A personal hearing was afforded to the petitioners on 10.06.2025, in compliance with principles of natural justice and the directions of the Hon'ble High Court.

During the personal hearing the petitioners submitted that the metalled road (Phirni) constructed over Khasra No. 56 (23-0) was allegedly diverted from its original straight alignment as per the revenue map, facilitating encroachment by owners of plots in Khasra Nos. 133, 135, and 136. They contended that this deviation blocked an existing outfall drain laid by the Panchayat and caused undue benefit to private individuals. They requested restoration of the road as per the original demarcation and appropriate action against those responsible.

On consideration of the submission and documents, the core issue concerns the alleged deviation of the village circular road (Phirni) over Khasra No. 56 (23-0) from its original alignment, leading to possible encroachment and obstruction of an earlier outfall drain. While the Mandi Board acted only as the executing agency, a notice dated 21.04.2025, based on revenue demarcation, suggests some overlap of construction on the road. As land demarcation and encroachment are beyond the purview of this office, it is appropriate that the Deputy Commissioner, Mohali, being the competent authority with access to revenue records and field machinery may take a final decision in accordance with law and on the basis of merit.

In light of the foregoing observations and keeping in view the statutory limitations of this office, it is considered appropriate that the office of Deputy Commissioner, Mohali is directed to take the matter and constitute a committee of concerned officials to conduct the demarcations of the disputed

property. Accordingly, it is hereby observed that the final decision in the present matter pertaining to the alignment of the circular road, removal of alleged encroachments, and any consequential measures may be taken by the Deputy Commissioner, Mohali, in accordance with law, after due consideration of the revenue record, field situation, and merits of the case. Ordered accordingly.”

4. Alleging that the said order was not compliance of the directions issued, the instant contempt petition was instituted.

5. Upon notice of motion having been issued, reply by way of affidavit of Shri Rambir, Secretary, Mandi Board Punjab, has been filed, in which it has been stated that a speaking order has been passed after conducting demarcation.

6. Learned counsel for the petitioner contends that the demarcation was not conducted in the presence of the petitioner nor was any opportunity of hearing granted after the demarcation.

7. Per contra, learned counsel for the respondent submits that there was no requirement of affording any opportunity of hearing after the demarcation, as the same had been granted earlier and the only direction by the Division Bench was to decide the legal notice, in accordance with law. He further submits that there was no requirement of associating the petitioner with the demarcation proceedings and the parties concerned were duly associated.

8. I have gone through the speaking order, which duly states that the demarcation was conducted by the Revenue Department in the presence of the Gram Panchayat, Giga Majra and the Officers of the Revenue Department and Punjab Mandi Board. Under the circumstances, this Court is of the opinion that there is no requirement of this Court to go into the merits of the issue as the directions issued by the Division Bench, stand complied with in letter and spirit. If the petitioner is still aggrieved by the same, he can always avail his remedies, as may be admissible in law and as had been observed by the Division Bench as well.

9. That being so, no further orders are required to be passed in the present petition and the same is disposed of with the aforesaid observations.

10. Rule stands discharged.

(VIKRAM AGGARWAL)
JUDGE

04.02.2026

ds

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No