

(2016) 04 P&H CK 0150
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6998 of 2016

Saroj Devi

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 12-04-2016

Acts Referred:

Punjab Village Common Lands (Regulation) Act, 1961 — Section 7

Citation : (2016) 2 LawHerald 1689

Hon'ble Judges : Mr. Surya Kant and Mr. A.B. Chaudhari, JJ.

Bench : Division Bench

Advocate : Mr. Manish Soni, Advocate, for the Appellant; Ms. Kirti Singh, Deputy Advocate General, Haryana, for the Respondent

Final Decision : Dismissed

Judgement

Surya Kant, J. (Oral) - Notice of motion to respondent Nos.1 to 3 only at this stage.

2. On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

3. Let three copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

4. In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the official-respondents at this stage or to call upon respondent No.4 to 20 as no order on merits prejudicial to their interest is being passed.

5. The case of the petitioner is that the eviction orders (P-1 to P-11) passed on different dates commencing from 20.10.2005 till 30.07.2010, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the

State of Haryana (for short, "the 1961 Act"), evicting the private-respondents from the Gram Panchayat land, have attained finality as no appeal/revision petition and/or any other judicial proceedings are pending against those orders. She further claims that there is no legal impediment against execution of these orders but the then Sarpanch of the Gram Panchayat allegedly colluded with the private-respondents and took no action to give effect to those orders. It is further alleged that the petitioner made complaints to various authorities and an enquiry report dated 02.09.2015 (P-13) has been submitted holding that the then Sarpanch was guilty of protecting the encroachers. Be that as it may, the petitioner seeks a direction for implementation of the above-mentioned eviction orders.

6. Having heard learned counsel for the petitioner, it appears to us that if the eviction orders have attained finality and there is no legal impediment against their execution, it is imperative upon the District Administration to take necessary steps for giving effect to those orders. We thus dispose of this writ petition with a direction to the Deputy Commissioner, Gurgaon to call for the records and ensure that the lawful action in accordance with the principles of natural justice, is taken by the Gram Panchayat and other authorities and the matter is taken to its logical conclusion within a period of four months from the date of receiving a certified copy of this order.

7. Let a copy of this order be given dasti to Ms. Kirti Singh, learned Deputy Advocate General, Haryana, for information and necessary compliance.