



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

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Decided on : 13.10.2025

**CM-2377-2378-LPA-2022 in/and
LPA-993-2022 (O&M)**

SUKHJINDER KAUR

. .Appellant.

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

LPA-11-2023 (O&M)

SURJIT SINGH AND ANOTHER

. .Appellants.

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. P. S. Guliani, Advocate for the appellants.

Mr. Aminder Singh, Advocate and
Mr. Amitoj Singh, Advocate for the appellant in LPA-11-2023.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. Raja Paramdeep Singh Saini, Advocate
for the respondent No. 6 in LPA-11-2023.

HARSIMRAN SINGH SETHI, J. (Oral)
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Allowed as prayed for.

CM-18-LPA-2023 in LPA-11-2023

The prayer in the present application is for condonation of delay of 16 days in filing the present appeal (LPA-11-2023).

Keeping in view the averments enumerated in the application, which are duly supported by an affidavit, the same is allowed. Consequently, the delay of 16 days in filing the present appeal (LPA-11-2023) is condoned.

LPA-993-2022
LPA-11-2023

1. Present two appeals, the details of which are mentioned in the



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heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from **LPA-993-2022**.

2. In the present appeal, the challenge is to the impugned judgment dated 27.10.2022 passed by learned Single Judge, by which, the petition filed by the respondent/petitioner bearing CWP No. 101898 of 2020 has been allowed.

3. Learned counsel for the appellant submits that certain directions have been given by the learned Single Judge, while passing the order dated 27.10.2022 in CWP No. 10189 of 2020, in which the petitioner/appellant was not even made a party and the said directions are causing prejudice to the appellant as, without giving an opportunity of hearing to the appellant, it has been recorded that the appellant had encroached upon certain land belonging to the Gram Panchayat, which according to the appellant is incorrect.

4. Learned counsel for the appellant further submits that even if it is assumed for the sake of arguments that any resolution has been passed by the respondent-Gram Panchayat for removal of illegal encroachers but the said resolution does not show that there has been any encroachment and unless and until such resolution for removal of encroachment is supported by any cogent evidence or an enquiry conducted by the competent authority, which could show that the allegation of encroachment alleged against the appellant is proved whereas, in the facts and circumstances of the present case, no such enquiry has been conducted or evidence brought on record to prove that the appellant has encroached upon any land belonging to the Gram



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Panchayat, which needs to be vacated.

5. Learned counsel for the appellant further submits that the appellant has no objection in case, an enquiry is conducted with regard to the alleged allegations of encroachment of panchayat land at the hands of the appellant by the Deputy Commissioner concerned and in case it is found that the appellant is encroaching any portion of the land belonging to the gram Panchayat, the authorities will be free to take appropriate action in accordance with law or to get vacate such encroachment.

6. Learned counsel for the respondent-Gram Panchayat submits that they have no problem in case any such enquiry is conducted with regard to the allegations of illegal encroachment upon the land by the appellant and other residents of the village concerned who have allegedly encroached upon the “gali” which exist in between the house of the appellant and respondent-Narender Singh Mann.

7. Learned counsel for the respondent-Gram Panchayat further submits that any findings given by the Deputy Commissioner concerned on the said issue will be acceptable.

8. Learned counsel for the respondent-State submits that the Deputy Commissioner through any officer concerned, will conduct the enquiry into the allegations of the alleged encroachment at the hands of the appellant which is causing prejudice to the gram panchayat and appropriate opportunity of hearing will be given to all the concerned party including, the appellant, respondents and other residents of the village concerned against whom of allegations of encroachment has been made and in case after hearing, it is found that there has been infact an encroachment upon the



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gram panchayat land, the same will be vacated in accordance with law.

9. Learned counsel for the appellant submits that keeping in view the statement made by learned counsel for the respondent-Gram Panchayat as well as learned counsel for the respondent-State as recorded herein above, the present appeals may kindly be disposed of as having been not pressed any further.

10. Ordered accordingly.

11. It may be noticed that the aforesaid enquiry will be conducted by the Deputy Commissioner through its officer concerned and on the basis of the facts and evidence which will come on record actions will be taken rather than being influenced by the findings recorded by the learned Single Judge, while passing the order dated 27.10.2022.

12. Pending civil miscellaneous application(s), if any, stand disposed of.

13. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

13.10.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No