



COCP-1923-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.210

COCP-1923-2025 (O&M)**Date of decision : 20.5.2025**

Shri Chand

... Petitioner

VERSUS

Bhupinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Raman Kumar , Advocate, for
Mr. R.K.Kapila, Advocate,
for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

Ms. Kavita Arora, Advocate,
for the respondent.

PANKAJ JAIN, J. (Oral)

Report by way of affidavit of Bhupinder Singh, Executive Officer, Municipal Council, Qadian, District Gurdaspur has been filed. The same is taken on record.

2. Counsel for the respondent submits that the order stands complied with. Reference is being made to para. 3, 4 and 5 of the compliance report which reads as under : -

“3. That after passing of the above mentioned order dated 06.05.2024 the claim of the petitioner was considered and a detailed Speaking Order dated 01.08.2024 was passed by the deponent. As per the said Speaking Order dated 01.08.2024, it was clearly mentioned that though a sum of ₹ 11,11,839/- was due to be paid to the petitioner the said amount has been kept as a security as the petitioner was in unauthorized occupation over the



property of the Municipal Council Qadian measuring 30 Marla in Khasra No.91. The value of the said property was around 70,00,000/-. The Office of MC Qadian had on various occasions asked the employee/petitioner to leave the possession of the said property, but he did not do the same. The Municipal Council vide resolution bearing No.78 dated 17.07.2024 decided that the possession of the property be taken from the petitioner under PP Act and in the meantime his retiral benefits be not released as security. Thus the MC Qadian started proceedings under the PP Act for taking over the possession of the said property and thus an amount of ₹ 11,11,839/- was not been released to him. A copy of the speaking order dated 01.08.2024 is attached as ANNEXURE R-1 with the present affidavit.

4. That since the office of Municipal Council Qadian filed petition under PP Act before the Sub Divisional Magistrate, the worthy Collector Batala vide its order dated 09.04.2025 directed the petitioner to handover the vacant possession of the property to the MC Qadian. Thereafter on 04.05.2025 at evening 3 P.M. with the help of Police Force the illegal possession of the property was taken and illegal encroachment was demolished and thereafter the possession was taken from the petitioner on 04.05.2025. It is necessary to mention here that thereafter the petitioner was given payment of ₹ 11,11,839/- vide Cheque No.002560 dated 07.05.2025. A copy of possession report/letter dated 09.05.2025 is attached as ANNEXURE R-2 with the present Affidavit.

5. That it is pertinent to mention here that the petitioner retired from the Office of the Municipal Council Qadian on 31.08.2023 and he was required to pay following dues : -

i)	leave-encashment	Rs. 5,66,820/-
ii)	Gratuity	Rs. 11,11,839/-
iii)	GPF Amount	Rs. 1,73,659/-
	Total	Rs.18,52,318/-



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Thereafter the petitioner was given the payment of Rs.1,00,000/- in regard to GPF amount vide cheque No.002271 dated 03.04.2024. A payment of Rs.6,40,479/- was also paid to the petitioner vide cheque No.002380 dated 04.09.2024. Thereafter the balance amount of Rs.11,11,839/- was paid to the petitioner vide cheque No.002560 dated 07.05.2025 after taking the possession of the illegal encroachment. Thus the complete payment of Rs.18,52,318/- has been made to the petitioner after the petitioner had released the property to the Municipal Council which he had illegally encroached upon. It is necessary to mention here that the Municipal Council had not charged any use and occupation charges in lieu of the un-authorized encroachment over the Municipal Council property as his retiral benefits were withheld and thus all the benefits have been released to the petitioner after the property of MC Qadian was recovered back.”

3. Counsel for the petitioner is not in a position to dispute the averments made in the affidavit.
4. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

May 20, 2025
Paritosh Kumar

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