



CWP-8803-2025

[1]

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-8803-2025

Date of Decision:27.03.2025

Baldev SinghPetitioner
Versus
State of Haryana and othersRespondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Vikram Singh, Advocate and
Mr. Divyam Singh, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Ms. Svaneel Jaswal, Additional Advocate General, Haryana,
Mr. P.P. Chahar, Sr. Deputy Advocate General, Haryana,
Mr. Saurabh Mago, Deputy Advocate General, Haryana,
Mr. Gaurav Bansal, Deputy Advocate General, Haryana and
Mr. Karan Jindal, Assistant Advocate General, Haryana.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioner herein prays for setting aside impugned notice dated 02.01.2025 & 03.01.2025 (Annexures P-2 & Annexure P-3 respectively), issued under Section 24(1) of the Haryana Panchayati Raj Act, 1994 (for short “the Act”) alongwith all consequential proceedings.

2. Since the learned Addl. Advocate General, Haryana, submits that the present controversy involved in the instant writ petition, is covered by a decision rendered by this Court on 18.01.2023 in CWP No.19864 of 2020, and, also in another connected case i.e. CWP No.4656 of 2022, therebys in terms thereof, after setting the impugned show cause notice(s), the hereinafter extracted directions be passed upon the respondent(s) concerned.

“In consequence, the Gram Panchayat concerned, may hence though a petition cast upon under Section 7 or 11 of the Act, before the Collector concerned, hence sought the eviction of the encroachers concerned from the lands concerned, rather than



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through the drawings of notice (Supra), and, through the drawings of Annexure P-9. The reason for driving the Gram Panchayat concerned, to draw succor from the above statutory provisions, become sparked, from the fact that the said proceedings are not summary in nature, as, are the proceedings contemplated under Section 24 of the 1994 Act. Therefore, when in the above proceedings, the fullest opportunity would become ably assigned to all to raise the apposite saving pleas, and, to also adduce evidence in respect of attraction or non attraction of the apposite inclusionary clause to the lands concerned, thus, it is deemed fit to relegate the Gram Panchayat concerned, to initiate the above proceedings before the authorities contemplated in the Haryana Village Common Lands (Regulation) Act. On such a petition being filed before the Collector concerned, the latter shall but in accordance with law, and, after an opportunity of hearing being given to all the concerned, hence make a decision thereons rather positively within six months of its preferment. Till the said petition becomes instituted, thereupto the parties are directed to maintain status-quo in respect of the khasra numbers concerned. In case, the above petition becomes instituted before the Collector concerned, thereupon the respondents therein, may institute an application therein claiming an apposite interim relief, and, thereons a lawful order shall be promptly passed by the Collector concerned, but after granting an opportunity of hearing to all the concerned.”

3. Resultantly, in terms of the supra, the present writ petition is disposed of alongwith all pending application(s), if any.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

27.03.2025
Anjal

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