



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.121

CWP-25538-2025

Date of decision : 11.09.2025

Baldev Singh

..... Petitioner

*Versus*

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Prateek Sodhi, Advocate, for the petitioner.

Mr. Shekhar Verma, Addl. A. G., Punjab.

Mr. Vijay Kumar Chaudhary, Advocate, for respondent No. 3.

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DEEPAK SIBAL, J. (Oral)

1. Through this petition, the petitioner seeks quashing of the order dated 10.07.2025, passed by respondent No. 2-District Development and Panchayat Officer-cum-Collector, Gurdaspur, dismissing the application filed by the petitioner through which the petitioner had sought outright rejection of the application preferred by respondent No. 3-Gram Panchayat seeking therein the petitioner's eviction from the land in question. According to the petitioner, the afore referred eviction application could not have been filed under both the Punjab Village Common Lands (Regulation) Act, 1961 (for short, the 1961 Act) and the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short, the 1973 Act).

2. At the outset, learned counsel appearing for the respondent-Gram Panchayat submits that the application filed by the Gram Panchayat both under Section 7 of the 1961 Act and under Section 5 of the 1973 Act were not maintainable and therefore, he has no objection if the impugned order is set aside with liberty to the respondent-Gram Panchayat to proceed afresh against



the petitioner and other encroachers only under Section 5 of the 1973 Act.

3. Learned State counsel has no objection to the acceptance of the afore statement made by the learned counsel for the Gram Panchayat.

4. The afore statement made by learned counsel for the Gram Panchayat also satisfies the learned counsel for the petitioner.

5. Learned counsel for the parties have been heard.

6. If two remedies were available to the respondent-Gram Panchayat to seek eviction of the petitioner from land belonging to the Gram Panchayat, it could elect one of the available remedies but could have not sought the petitioner's eviction by invoking two provisions of two distinct Acts through a single application because the competent authorities before whom application can be filed under the 1961 Act and the 1973 Act are distinct. The appellate authorities etc. are also different.

7. In the light of the above and the stands taken before us, we set aside the impugned order dated 10.07.2025, passed by respondent No. 2. However, as prayed for, liberty is granted to the respondent-Gram Panchayat to proceed afresh against the petitioner under Section 5 of the 1973 Act.

8. It is made clear that while granting the afore liberty, we have neither commented on the entertainability/maintainability nor the merits of the remedy that the respondent-Gram Panchayat may resort to.

[DEEPAK SIBAL]  
JUDGE

11.09.2025

*shamsher*

[LAPITA BANERJI]  
JUDGE

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