



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

**CWP-11268-2022**

Date of Decision : **22.04.2025**

**AMRIK SINGH AND OTHERS**

.....Petitioners

***VERSUS***

**STATE OF PUNJAB AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Mohd.Yousaf, Advocate,  
for the petitioners.

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

Mr. Ravi Kamal Gupta, Advocate  
for respondent no.2-CBI.

Mr. K.S.Chahal, Advocate,  
for respondent no.3.

Mr. Parunjeet Singh, Advocate,  
for respondents no.8 and 9.

**KULDEEP TIWARI. J.(Oral)**

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the official respondents to inquire into the allegations, as made by the present petitioners regarding their dispossession in a forcible and illegal manner, and specifically after flouting the interim orders passed by this Court, through some independent agency like CBI.

2. Learned counsel for the petitioners submits that the petitioners had earlier approached this Court by filing a civil revision

bearing No.3970 of 2018, wherethrough, order dated 25.04.2018, as passed by the lower appellate authority, was challenged. In the said proceedings, the co-ordinate bench of this Court, while drawing order dated 18.03.2019 (Annexure P-4), directed the District Development and Panchayat Officer-cum-Collector, Ludhiana, to defer the matter to a date beyond the date fixed before this Court.

3. He further submits that despite the aforesaid specific direction, the authority (*supra*), has proceeded to decide the petition filed by the Gram Panchayat, Village Mand Chaunta, Tehsil Ludhiana (East), District Ludhiana, on dated 14.01.2022.

4. He also submits that no effective opportunity of hearing was given to the petitioners to defend themselves before the authority (*supra*), and the entire proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter referred to as 'the Act of 1961') was carried out under the pressure of respondent no.3 (the then minister), and respondents no.4 and 5 (the then MLAs). Therefore, a thorough inquiry is required to be carried out into the entire episode, that too by a specific agency like CBI.

5. He has also placed reliance upon an a photocopy of a news item published in local punjabi newspaper on dated 11.05.2022, which is annexed as Annexure P-9.

6. On the other hand, learned State counsel opposed the instant petition on the ground that the petitioners were held to be encroachers upon the Panchayat Land, and the District Development and Panchayat

Officer-cum-Collector, Ludhiana, in exercising its powers envisaged under Section 7 of the Act of 1961, has rightly passed the eviction order, and in pursuance thereof, the petitioners were dispossessed. Hence, on the strength of the legal order, the exercise of dispossession was carried out.

7. He in addition submits that the petitioners had earlier filed a contempt petition bearing COCP No.994 of 2022, with the similar allegations, i.e. the decision taken by the District Development and Panchayat Officer-cum-Collector, Ludhiana, despite there being a specific order dated 18.03.2019 (Annexure P-4) by this Court, however, the same was also disposed of vide order dated 01.05.2024, on account of pendency of appeal against the eviction order (*supra*), passed by authority (*supra*). The relevant extract of the aforesaid order, is hereinafter extracted:-

“2. Pursuant to the order of previous date, passed by this court in the present petition, the counsel for the State has produced copy of zimini orders, which show that none of the order reflects that the respondent was having knowledge of order dated 18.03.2019 passed by the High Court in CR-3970-2018.

3. In any case, the respondent is present in the court and has expressed unconditional apology in having passed order despite the interim order passed by the High Court. Moreover, the respondent has also pointed out that the petitioners have already filed appeal against the order passed by the respondent and the same is pending before the concerned Joint Development Commissioner.

4. In view of the above, this court does not find any ground to continue with the present petition any more. Hence the present petition is dismissed.

5. However, the dismissal of the present petition will not be taken as adverse to the case of the petitioners while considering the appeal which is stated to have already been filed by them.”

8. He over and above submits that the civil revision (*supra*) in which the stay was granted by this Court, was subsequently, disposed of. However, the petitioners opted not to raise such plea at that time. Further,

civil miscellaneous applications bearing No. CM-4771-4792-CII-2022 in CR-3970-2018, were filed, raising the similar plea which has been raised in the instant petition, however, the same was dismissed as withdrawn vide order dated 26.04.2022.

9. While referring to the above sequence of events, he submits that the petitioners only want to get undone the proceedings of evictions, which have been carried in pursuance of the legal proceedings.

10. Finally, he submits that the eviction order (*supra*), has not been set aside by the learned appellate authority concerned, and the appeal preferred by the petitioners against the eviction order, is still pending adjudication.

11. Learned counsel for respondents no.8 and 9, informs this Court that since the civil suit, as preferred by the petitioners claiming themselves to be the owners of the property has also been dismissed, therefore, the natural consequence of petition under Section 7 of the Act of 1961, preferred by the Gram Panchayat led to eviction of the petitioners, and there is not apparent error, or any influence exercised by any political establishment.

12. This Court has considered the submissions as made by learned counsel for the parties concerned, and has perused the entire case file.

13. The order of eviction which according to the petitioners is a result of influence made by ruling minister (respondent no.3) or MLAs (respondents no.4 and 5) is not substantiated from the record. This Court

cannot sit parallel to appellate authority and to decide the legality of the eviction order (*supra*), as the said issue is to be adjudicated by the learned appellate authority concerned, which is still pending. Further, the petitioners have already raised the said issue by filing a contempt petition which has already been disposed of, as recorded above.

14. In view of the above, at this stage, this Court is of the considered view that the prayer, as made by the petitioners, is a premature motion. The petitioners are at liberty to raise all such pleas before the learned appellate authority concerned. Therefore, asked for *mandamus* cannot be passed in favour of the present petitioners. Resultantly, the instant petition is ordered to be **closed**.

15. **Disposed of** accordingly, with the aforesaid liberty.

April 22, 2025  
*dharamvir*

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No