

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

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**LPA-1385-2025 (O&M)
Date of Decision : July 21, 2025**

NARESH KUMAR

-APPELLANT

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Amit Jain, Advocate
for the appellant.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This letters patent appeal arises out of an order passed by the learned Single Judge interfering with the orders passed against the respondent No.4 removing him from the post of Lambardar. The allegation, which led to removal of the respondent No.4 is that he was found in unauthorized possession over certain land of Khasra No.57.

2. The learned Single Judge has examined the facts of the case and has found that the respondent No.4 was performing his duties for the last 22 years and there has never been any complaint against him of the like nature. It has also been found that the respondent No.4 was otherwise having land in Plot No.57 and there was apparently some dispute of demarcation. It has also been noticed that though eviction proceedings were initiated and had ultimately led to orders of eviction passed against 20 other

persons, but no such order of eviction was passed against the respondent No.4. With these findings, the writ petition has been allowed.

3. The learned counsel for the appellant contends that the proceedings of eviction of the respondent No.4 were initiated but ultimately no orders were passed only because the unauthorized encroachment was removed by the respondent No.4 himself. It is sought to be contended that there was, in fact, an admission of guilt by the respondent No.4 and in such circumstances, the learned Single Judge has erred in interfering with the orders.

4. This Court has heard the learned counsel for the appellant and perused the material.

5. The facts, as have been recorded by the learned Single Judge and have been noticed above, are not in dispute. It is admitted to the appellant that for the last 22 years, the respondent No.4 has been working without any blemish. No orders of eviction have been passed against the respondent No.4 by any competent authority. Mere issuance of notice against the respondent No.4 and an observation that he had himself removed the unauthorized possession would not lead to an inference that there was, in fact, any conscious encroachment upon Gram Sabha land. It is quite possible that there may have been an issue of demarcation inasmuch as the respondent No.4 did own some land in the same Khasra. Merely because the appellant alleged that he had encroached only upon 15 or 16 sq yards land, in respect of which no proceedings were ultimately undertaken to remove his encroachment, it would be too harsh in the day to allow the respondent No.4 to be removed from service on such ground. This Court is in respectful

agreement with the view taken by the learned Single Judge.

6. Consequently, this letters patent appeal is dismissed.
7. Pending application(s) stands disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

July 21, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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