

Date of Decision: 21.1.2014 Vs. Subhash and Others

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Court : Punjab and Haryana

Decided On : Jan-21-2014

Appellant : Date of Decision: 21.1.2014

Respondent : Subhash and Others

Judgement :

CWP No.953 of 2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CWP No.953 of 2014 Date of decision: 21.1.2014 Rajbir Singh .Petitioner VERSUS Subhash and othersRespondents CORAM: HON'BLE Mr.JUSTICE HEMANT GUPTA HONBLE Mr.JUSTICE FATEH DEEP SINGH Present: Mr.Sandeep Goyal, Advocate for the petitioner.

***** HEMANT GUPTA, J.(Oral) The challenge in the present writ petition is to an order passed by the Assistant Collector on 26.02.2010 (Annexure P-2).order dated 25.10.2012 (Annexure P-4) passed by the Collector and order dated 08.11.2013 (Annexure P-6) passed by the Commissioner, Ambala Division, Ambala, whereby the petitioner has been ordered to be evicted from the land described as gair mumkin rasta situated in KhaSr.No.171 in village Songri, Tehsil and District Kaithal.

The Panchayat sought eviction of the present petitioners under Section 7 of Punjab Village Common Lands (Regulation) Act, 1961 alleging that the petitioners have raised construction over the path illegally.

The Assistant Collector allowed such application relying upon demarcation report dated 01.02.2007 (Ex.A-1) finding that the petitioner No.1 is in illegal possession of 3 marlas of land whereas petitioner No.2 is in illegal possession of 1 marla of land. 2014.01.27 14:43 I attest to the accuracy and integrity of this document CWP No.953 of 2014

Thus, the petitioner was ordered to be evicted.

Such order has been affirmed by the Collector on 25.10.2012 (Annexure P-4).The sole argument raised by learned counsel for the petitioner is that some other unauthorized occupants of the passage have been accommodated in the alternative land by the Gram Panchayat whereas the petitioner is being ordered to be evicted.

Thus, the action of the Panchayat in treating unauthorized occupant is discriminatory.

We do not find any merit in the said argument.

Once the petitioner has been found to be in illegal possession of a land of passage, the only consequence is eviction.

The action, if any, to accommodate other unauthorized occupant cannot be made basis to continue with the encroachment on the public land of a passage.

We do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA) JUDGE JANUARY21 2014 (FATEH DEEP SINGH) D.

Gulati JUDGE Diwakar Gulati 2014.01.27 14:43 I attest to the accuracy and integrity of this document

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