



Harbhajan Singh v. State of Punjab and others (P&H)
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PUNJAB AND HARYANA HIGH COURT

Before: Rajesh Bhardwaj, J.

CWP-22346 of 2022

Decided on: 04.09.2023

Harbhajan Singh - Petitioner

Versus

State of Punjab and others - Respondents

Present:

Mr. Kartik Gupta, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Sanjay Gupta, Advocate for respondents No.8 and 9

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), Section 3, 4, 5, 7 – Constitution of India, Article 226, 227 -- Illegal construction on government road/public property – Expedite eviction – Writ petition -- Gram Panchayat filed eviction petition against 26 illegal occupants – Writ petition disposed of with direction to DDPO-cum-Collector to conclude the proceedings as initiated expeditiously preferably, within three months.

(Para 1-4)

RAJESH BHARDWAJ, J. (ORAL) –

1. Prayer in the present petition is for issuance of directions to official respondents No.1 to 7 to take immediate action along with police help upon notices dated 07.01.2022 (Annexure P-22) and 18.01.2022 (Annexure P-23) whereby it has been duly established on record that private respondents No.8 to 10 have raised illegal construction upon the government road/public property as inspite of specific directions issued by Deputy Commissioner, Hoshiarpur-respondent No.2 and demarcation having been conducted, no action is being taken in the matter despite grave loss and injustice being caused to the petitioner in ingress and outgress and despite respondent-authorities having removed previous illegal construction raised by private respondents on earlier occasions.

2. In response to the petition filed, learned State counsel has filed separate replies on behalf of respondents No.1, 6, 7 and 2 & 5, which are taken on record.

3. Learned State counsel has submitted that on receipt of direction from respondent No.5, the Gram Panchayat of Village Unchi Bassi Block and Tehsil Dasuya District Hoshiarpur has filed an application against 26 numbers of illegal occupants of government property, including respondents No.8 to 10 under Sections 3, 4, 5 and 7 of Punjab Public Premises Eviction (Rent and Recovery), Act through its Administrator, Panchayat Secretary in the Court of DDPO-cum-Collector, Hoshiarpur. He has submitted that the proceedings against all the illegal occupants are pending adjudication and the same would be decided expeditiously as in accordance with law.

4. In view of the submissions made by learned State counsel, reasonable action has already been initiated against the illegal occupants which is pending adjudication before the DDPO-cum-Collector. Accordingly, the petition is disposed of with direction to DDPO-cum-Collector to conclude the proceedings as initiated expeditiously preferably, within three months from today. Petitioner would be at liberty to pursue his further remedies, if so advised, in accordance with law.

Order accordingly.

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