

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

CWP No.13519 of 1992 (O&M)

Date of Decision: 12.02.2015

Gurdial Singh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE RAJ MOHAN SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: None for the petitioners

Mr. RKS Brar, Addl. AG Haryana

None for Gram Panchayat

SURYA KANT, J. (Oral)

(1) Learned counsel for the petitioners or the Gram Panchayat are not present. It appears that their non-representation is on account of the fact that the writ petition must have become infructuous for the reasons assigned hereinbelow.

(2) The petitioners have primarily questioned the *vires* of the Haryana Act No.9 of 1992 with regard to the vesting of certain types of land in Gram Panchayat as *shamlat deh*.

(3) Learned State counsel has pointed out that the *vires* of the above-stated Act was considered by a Full Bench of this Court in **Jai Singh v. State of Haryana, 2003(2) RCR (Civil) 578** wherein it has been briefly held that the land which were reserved

for a common purpose, under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, whether utilized or unutilized shall be managed and controlled by the Gram Panchayat for all intent and purposes.

(4) The factual issues, however, in each case are required to be determined by the authorities under the Punjab Village Common Lands (Regulation) Act, 1961 keeping in view the principles laid down in ***Jai Singh's*** case.

(5) The instant writ petition is also thus disposed of in terms of the ***Jai Singh's*** case leaving it open for the petitioners to approach the appropriate forum, if need be.

(6) Ordered accordingly.

(Surya Kant)
Judge

12.02.2015
vishal shonkar

(Raj Mohan Singh)
Judge