

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

CR No.6110 of 2011

Date of decision : 29.09.2015

Municipal Committee, Ganaur

...Petitioner

Versus

Kanshi Ram (deceased) through LRs and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Raman B. Garg, Advocate for the petitioner.

Mr. Harkesh Manuja, Advocate for respondent No.3(c)

Mr. Ravi Partap Singh, Assistant Advocate General Haryana.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the impugned orders dated 02.05.2011 (Annexure P-1) and 16.09.2011 (Annexure P-2) passed by Executing Court against the judgment debtor.

Mr. Raman B. Garg, learned counsel appearing on behalf of petitioner submits that during the pendency of the proceedings before this Court, two effective orders were passed i.e. on 07.11.2011 and 18.11.2014, which read thus:-

“Challenge is to the order dated 16.9.2011 in the execution proceedings whereby prayer was made by the

Municipal Committee to stay the execution proceedings. It is not disputed that the Municipal Committee is bound by the judgment which has attained finality in R.S.A. No.1710 of 1998 filed in the High Court and decided on 3.9.1998. The Municipal Committee is to transfer the property measuring 4 kanal 8 marlas. Counsel for the petitioner states that the land is being used for public purposes i.e. Supply of water as well as drinking and extinguishment of the fire in Ganaur town. A Resolution has been passed on 26.4.2011 for alternate land in pursuance to the judgment passed in the civil suit.

Notice of motion for 20.12.2011.

Notice re: stay as well.

Counsel for the petitioner is directed to get the resolution finalized before the next date of hearing.

7.11.2011

*Sd/- Ritu Bahri
Judge”*

“Learned counsel for the petitioner-Municipal Committee submits that the land in question was meant for specific common purpose of de-skinning of animal skins and for storage of animal skins and bones. It is further submitted that the Municipal Committee is also proposing to provide an alternative site for the said purpose.

The aforesaid contention was raised on behalf of the petitioner on 7.11.2011. Three years have been passed since then but no further progress has been shown. In the facts of the case, the State of Haryana be impleaded as respondent. The Registry would make necessary addition in the memo of parties. Notice be issued to Advocate General, Haryana for 20.1.2015.

The Secretary, Municipal Committee, Ganaur, is directed to appear in person on the next date.

Learned counsel for respondents No. 2 and 4 also seeks time to have instructions with regard to the aforesaid

contention about provision of an alternate site.

As per office report, the process-fee for effecting service upon the legal representatives of respondent No. 3 has not been filed so far.

It is directed that the needful be done within a week and on doing so, fresh notices be issued to the legal representatives of respondent No. 3 for the date fixed.

November 18, 2014

Sd/- (R.P. Nagrath)
Judge”

And, thereafter, order dated 20.01.2015, which read thus:-

“Learned counsel for respondent no. 3(c) seeks time to have instructions whether to put in appearance for respondents no.3(b), 3(d) and 3(e), the other legal heirs of Roop Chand. However, as per office report, these respondents are not residing at their given addresses. Respondent no. 3(a) is reported to have been duly served but there is no representation.

In case, learned counsel for respondent no. 3(c) does not appear for rest of the legal heirs of respondent no. 3- Roop Chand, respondent no. 3(c)-Rajesh Kumar would appear in person on the next date.

Learned counsel for the petitioner submits that earlier Secretary, Municipal Committee, Ganaur has been transferred and his successor is yet to join. It is directed that the Secretary, Municipal Committee, Ganaur would also appear on the next date.

Learned State counsel has appeared for added respondent no. 5 and Registry would correct memo of parties to describe respondent no. 5 through Secretary, Local Bodies, Government of Haryana.

Learned State counsel also seeks time to have instructions with regard to finalization of the proposal for providing alternate site for specific common purpose of de-

skinning of animal skins and for storage of animal skins and bones. It is directed that affidavit of Secretary, Local Bodies in this regard be filed before the next date failing which, Secretary, Local Bodies would appear in person on the next date.

List on 10.04.2015.

*A copy of this order be given **dasti** to learned counsel for the petitioner and the State counsel under signatures of Bench Secretary, for compliance.*

January 20, 2015

*Sd/- (R.P. Nagrath)
Judge”*

In pursuance to the aforementioned order, an affidavit of Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh dated 09.04.2015 has been filed, whereby, in paragraph No.4, it has been stated that Municipal Committee, vide resolution bearing No.16 dated 19.03.2015, duly confirmed by Deputy Commissioner, Sonapat vide letter dated 26.03.2015, is ready and willing to allot the alternative piece of land comprising of Kila No.4//19, 20, 21/1, 22/1 and Killa No.5//16, 25/1 total 4 kanal 8 marla situated in front of shop of slaughter house for the purpose of de-skinning of the animals and other related functions by the concerned Community. However, the ownership of the land would remain in the name of Municipal Committee. Para 4 of the affidavit read thus:-

“That the Municipal Committee, Ganaur vide above said resolution, is ready and willing to allot the alternate piece of land comprising Kila No.4//19, 20, 21/1, 22/1 and Kila No.5// 16, 25/1 total 4 kanal 8 Marlas situated in front of the shops of slaughter house for the purpose of de-skinning of animals and other related functions by the concerned community. However, the ownership of the said land will

remain in the name of the Municipal Committee, Ganaur.”

Mr. Harkesh Manuja, learned counsel appearing on behalf of Decree Holder submits that though resolution has been confirmed by the Deputy Commissioner, but the Secretary Local Government has not put nod on it. In case, appropriate direction is issued, the grievance of the Decree Holder, shall, stand vindicated.

Mr. Ravi Partap Singh, learned Assistant Advocate General, Haryana, ensures the Court, that there would no further delay in allotting the alternative piece of land, as stated in the affidavit, *ibid*.

In view of aforementioned facts, revision petition is disposed of with the direction to the petitioner-Municipal Committee to allot the land comprising of Kila No.4//19, 20, 21/1, 22/1 and Killa No.5//16, 25/1 total 4 kanal 8 marla, within a period of two months, from the date of receipt of certified copy of this order.

In the meantime, necessary Bodies/Authorities shall accord the approval, In case such approval is not granted, liberty is granted to the Decree Holder to seek compliance of the order by moving appropriate application.

It is made clear that Municipal Committee shall strictly abide by the decree.

29.09.2015

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**(AMIT RAWAL)
JUDGE**