

C.W.P. No. 16903 of 1992 &
C.W.P. No. 382 of 1993

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1)

C.W.P. No. 16903 of 1992

Gram Panchayat of village Behlolpur

.....Petitioner

Versus

Additional Director, Rural Development and Panchayat, Punjab and
others

.....Respondents

(2)

C.W.P. No. 382 of 1993

Gram Panchayat of village Behlolpur

.....Petitioner

Versus

Additional Director, Rural Development and Panchayat, Punjab and
others

.....Respondents

Date of Decision:- 22.07.2015

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. P.S. Bajwa, Addl. A.G., Punjab, for the petitioner.

Mrs. Alka Sarin, Advocate, for respondent No.4.

RAJIVE BHALLA, J. (Oral)

By way of this order, we shall dispose of CWP No.16903 of
1992 and CWP No.382 of 1993, whereby the Gram Panchayat of village
Behlolpur prays for issuance of a writ of certiorari, setting aside order

dated 28.04.1987 (Annexure P-2), passed by District Development & Panchayat Officer (Collector), Panchayat Land, Kapurthala, order dated 10.11.1989 (Annexure P-3), passed by Joint Development Commissioner (IRD) and ex-officio Joint Secretary to Govt. Punjab, Rural Development Department (exercising the powers of Commissioner) and order dated 13.09.1992 (Annexure P-5), passed by Additional Director, Rural Development and Panchayat, Punjab, Chandigarh (exercising the powers of Commissioner).

Counsel for the petitioner and counsel for the private respondent(s)-state on instructions, that the impugned orders may be set aside and the matters be restored to the District Development and Panchayat Officer-cum-Collector, Kapurthala, for deciding the petitions filed by the Gram Panchayat, under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the “1961 Act”) afresh and in accordance with law.

In view of statements made by learned counsel for the parties, the writ petitions are allowed, the impugned orders are set aside and petitions filed under Section 7 of 1961 Act are restored to the District Development and Panchayat Officer-cum-Collector, Kapurthala, for adjudication afresh and in accordance with law.

Parties are directed to appear before the District Development and Panchayat Officer-cum-Collector, Kapurthala on 26.08.2015. The petitions shall be decided within three months of the aforesaid date.

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Liberty is however granted to the private respondent(s) to plead and urge, by filing a petition under Section 11 of 1961 Act that the Gram Panchayat has no right, title or interest in the land in dispute.

**(RAJIVE BHALLA)
JUDGE**

22.07.2015
naresh.k

**(SHEKHER DHAWAN)
JUDGE**