

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.15446 of 2010

Date of Decision: August 21, 2015

Bachan Singh and othersPetitioners

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.Gurnam Singh, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.G.S.Punia, Senior Advocate with
Ms.Harveen Kaur, Advocate, for respondent No.9.
Mr.Raj Kumar Garg, Advocate, for the respondent.

-.-

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?

Surya Kant, J. (Oral)

The controversy in this case is whether Khasra No.80 which is 'abadi deh' vests in Gram Panchayat, Kalauli it goes to the share of Gram Panchayat, Kalauli Jattan which has been established after bifurcation of the original Gram Panchayat of village Kalauli?

[2] The above-stated two Gram Panchayats were established in the year 1998. It is an admitted fact that except the bifurcation of abadi area, the joint assets of Gram Panchayat Kalauli have not been apportioned so far between the two Gram Panchayats in accordance with provisions of the Punjab Panchayati Raj Act, 1994. As regard to two khasra numbers of abadi deh, namely, Khasra No.265 and 80, the Director, Rural Development and Panchayat, Punjab-respondent No.2 has filed an affidavit dated 23.07.2015, para

Nos.2, 3, 4 & 5 whereof the following averments are made:-

“.....2. That it is respectfully submitted before this Hon'ble Court that land comprised in khasra No.265 bearing Hadbast No.275 is measuring 112 bighas 10 biswas and is abadi deh. The land comprised in khasra No.80 bearing Hadbast No.275 is measuring 112 bighas 10 biswas and the entire land falls within red lines/abadi deh. It is pertinent to mention here that both the lands comprising khasra No.265 and khasra No.80 comes under village Kalauli. True photocopy of the exact boundaries in the form of site plan of khasra No.265 and khasra No.80 has been annexed as Annexure R1.

3. That vide notification dated 25.05.1998, new Gram Panchayat namely Kalauli Jattan was constituted under Section 3 of Punjab Panchayati Raj Act, 1994. Copy of this notification dated 25.05.1998 is annexed as Annexure R-2.

4. That it is humbly submitted that till today no notification has been issued regarding bifurcation of the Panchayat land. As such till today no land has been allotted to the Gram Panchayat Kalauli Jattan. However, it is pertinent to mention here that Gram Panchayat Kalauli Jattan is getting 1/3rd share from the total amount in the form of cash from the auction conducted of shamlat land of

village Kalauli.

5. That it is relevant to mention here that the abadi of Gram Panchayat Kalauli is situated in khasra No.265 whereas the abadi of Kalauli Jattan is situated in khasra No.80. It is further submitted that there is separate voter list for Gram Panchayat, Kalauli and Gram Panchayat, Kalauli Jattan. Copies of separate voter list as stated above are annexed as Annexure R-3.....”

[3] The renewed stand as reproduced above is consistent with their previous stand, namely, that the abadi area of Gram Panchayat, Kalauli is located in khasra No.265 whereas the new abadi area of Gram Panchayat Kalauli Jattan is in khasra No.80.

[4] The above-stated plea taken by the authorities is further fortified by the site-plan (R-1), wherein the total area of both the khasra Nos.265 and 80 as well as their geographical location are distinctly described. We have no reason to doubt the averments made in the affidavit or the site-plan (R-1).

[5] There is no gain saying that unending dispute between the two Gram Panchayats in respect of their assets or abadi area comprising khasra No.80 must come to an end and for that the State Government is obligated to step in and resolve the controversy in a time bound manner. Ordinarily, such like disputes are not expected to be resolved on judicial plate-forms. We, thus, dispose of this writ petition with a direction to the Principal Secretary to Rural Development and Panchayat Department, Punjab to clearly demarcate the abadi area of both the Gram Panchayats in conformity with the

affidavit dated 23.07.2015 filed by the Director, Rural Development and Panchayat and thereafter apportion the movable and immovable assets between the two Gram Panchayats in accordance with law. The State Government shall also be obligated to protect the interest of all communities including the down-troddens while undertaking the afore-stated exercise. Such a decision shall be taken within a period of four months from the date of receiving a certified copy of this order.

[6] Ordered accordingly.

[7] Dasti.

[SURYA KANT]
JUDGE

August 21, 2015
mohinder

[JASPAL SINGH]
JUDGE