

CWP No. 14174 of 2011(O&M)

Date of decision: 10.12.2015

Krishan Kumar and others

.....Petitioners

versus**State of Haryana and others**

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Sanjiv Gupta, Advocate
for the petitioners.

Mr. Rajesh K.Sheoran, Addl.AG,Haryana.

Ms. Shaveta Garwa, Advocate
for respondent No. 3.**Rakesh Kumar Jain, J.(Oral)**

Counsel for the petitioners submits that petitioners belong to Scheduled Caste and Backward Class. They neither possess any house or plot nor any agricultural land in the village. According to the provisions of the Punjab Village Common Lands(Regulations) Act, 1961(for short, 'the Act'), as applicable to the State of Haryana, respondent No. 1 has framed a policy dated 1.12.2008, in terms of Section 5 of the Act and the Punjab Village Common Lands (Regulations) Rules, 1964 (for short, 'the Rules') for allotment of land vests in the Gram Panchayat for the settlement of the landless persons. It is urged that said policy was formulated under the Mahatma Gandhi Awas Yojna and the decision was in the hands of the Gram Panchayat (respondent No. 3) either to accept the application of the petitioners in terms of the said policy or to reject. In spite of the fact that the petitioners had applied on 9.02.2011, pursuant to the said policy, the Gram Panchayat, who has to take the decision, has not decided so far. Hence, the

present petition is filed.

Counsel for the petitioners, however, submits that even as per the policy, the cut off date for the application to be filed by such a person(s) is 31.03.2008 but the application, have been filed much later than that and was thus, barred by time.

Counsel for the Gram Panchayat has also submitted that the petitioners are not eligible to avail the benefit of the policy but at the same time, it is also admitted that Gram Panchayat has not passed any resolution, either to accept or reject the request made by the petitioners.

In view of the aforesaid discussion, this petition is disposed of with a direction to respondent No. 3/Gram Panchayat to take a decision on the applications of the petitioners in terms of the policy, either to reject the prayer made by the petitioner or to accept the same in accordance with law. Respondent No. 3 shall take the decision expeditiously preferably within a period of 3 months from the date of receipt of certified copy of this order.

10th December, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
JUDGE