

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.10931 of 2015
Date of Decision:- 19.11.2015.

Amandeep Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

(2.)

CWP No.13061 of 2015

Shingar Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA**

- 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: Mr. Gaurav Singla, Advocate for the petitioner(s).

Ms. Kirti Singh, DAG, Haryana.

Mr. Naresh Kumar, Advocate for
Mr. Narender Pal Bhardwaj, Advocate for
respondent No.4 in CWP No.10931 of 2015.

Mr. Vishal Goel, Advocate for
Mr. J.S. Thind, Advocate for
respondent Nos.4 and 5.

SURYA KANT, J. (ORAL)

- 1.) This order shall dispose of CWP Nos.10931 and 13061 of 2015 as the point in issue raised therein is similar. For brevity, facts are being extracted from CWP No.10931 of 2015.
- 2.) The petitioner's grievance is against allotment of 100 square yard plots by the Gram Panchayat of his village to the families belonging to weaker sections and living Below Poverty Line out of the land which is recorded as *Jumla Malkan Wa Digar Hakdaran Arajji Hasab Rasad Rakba*. The petitioner's claim is that the above stated land belongs to proprietors of the village and does not vest in Gram Panchayat, hence, the plots could not be carved out. He also impugns the order dated 12.5.2015 (P-7) whereby his objections against the allotments/resolutions of the Gram Panchayat have been rejected.
- 3.) The Deputy Commissioner, Karnal has filed the affidavit reiterating that the subject plots have already been allotted in accordance with Government policy. Gram Panchayat has also taken a similar stand.
- 4.) It is, however, not in dispute and learned counsel for the parties are *ad idem* that the question whether Gram Panchayat can carve out plots/and utilize for a common purpose the land recorded as *Jumla Malkan Wa Digar Hakdaran Arajji Hasab Rasad Rakba*, is pending consideration and is subjudice before a five-Judge Bench of

this Court in **CWP No.314 of 2001 titled as Suraj Bhan Vs. State of Haryana.**

5.) In this view of the matter, we dispose of these writ petitions with a direction that the law to be laid down by the Full Bench shall apply *mutatis mutandis* to the case of the respondent Gram Panchayat also. If the utilization of the above mentioned land for a common purpose like carving out of 100 square yard plots, is disapproved by this Court, the District Administration as well as the respondent Gram Panchayat shall be required to act upon accordingly within a period of three months from the date the decision of this Court would attain finality.

6.) Till the matter is decided, status quo re : alienation or creation of third party rights shall be maintained.

**(SURYA KANT)
JUDGE**

**(HARI PAL VERMA)
JUDGE**

November 19, 2015.

sandeep sethi