

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12018 of 2014
Date of decision:- 15.05.2015

Prem Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. J.C. Malik, Advocate
for the petitioner.

Mr. D.Khanna, Addl. A.G. Haryana.

Dr. Naresh Kaushik, Advocate
for respondent No. 4.

RAJIVE BHALLA, J (ORAL).

Prayer in this writ petition is, to direct respondents No. 1 to 3 to cancel, 100 square yards plots allotted to ineligible beneficiaries. The petitioners also pray for a direction to respondents No. 1 to 3 to ensure that construction is not raised on these plots.

Counsel for petitioners submits that the sarpanch, respondent No. 4, has allotted 100 square yards plots to ineligible persons. A complaint filed by the petitioners levelling allegations of

illegal allotments has been found to be correct. The official respondents may therefore be directed to cancel the allotments and to take action against the sarpanch.

Reply filed on behalf of respondents No. 1 to 3 in Court is taken on record.

Counsel for the State of Haryana submits that it is true that ineligible persons were allotted plots and, therefore, an application has been filed before the Assistant Collector of the 1st Grade, Safidon, under Section 10-A of the Punjab Village Common Land (Regulation) Act, 1961 (hereinafter to be referred as 'the Act'), for cancellation of the allotments.

Counsel for the Gram Panchayat submits that the sarpanch has not committed any wrong as he received the list prepared by the previous panchayat and only acted on the list in a bonafide belief that the list was correct.

We have heard the counsel for the parties, perused the paper book as well as documents appended thereto.

The dispute in the present case is whether the Gram Panchayat has allotted 100 square yards plots to ineligible persons. A perusal of the reply filed by the Block Development and Panchayat Officer, Safidon, reveals that a large number of persons have been found to be ineligible. As a result, applications have been filed before the Assistant Collector of the 1st Grade under Section 10-A of the Act

for cancellation of the sale deeds. The affidavit also records that certain affected persons have filed civil suits.

As the official-respondents have already taken action in the matter, the writ petition in essence has been rendered infructuous but the Deputy Commissioner, Jind, is directed to hold a further enquiry into the allotments of 100 square yard plots and in case any other persons are found ineligible, proceed to place the matter before the Assistant Collector of the 1st Grade, exercising powers under Section 10-A of the Act, for considering the cancellation of these plots, in accordance with law.

The needful be done within 6 months from receipt of certified copy of this order.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

14.05.2015
amit rana