

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.12647 of 2014

Date of Decision: August 24, 2015

Smt.Kela Devi and othersPetitioners
versus
State of Haryana and othersRespondents

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

Present: Mr.Mukesh Yadav, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.
Mr.M.S.Kathuria, Advocate for respondent No.3.

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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 petitioners belong to the lower strata of Society to whom Gram Panchayat of their village is said to have allotted residential plots way back in the year 1986. Some of those plots were carved out on khasra No.93/2 owned by the Gram Panchayat. Respondent No.3 filed a petition in the year 2009 under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, the Act) against Gram Panchayat of the village and on the basis of statements made by the Sarpanch and respondent No.3, a consent order was passed to provide passage to respondent No.3 from Khasra No.93/2 towards West-North side.

The petitioners, on coming to know about the above-stated order, filed a Review Application as according to them, the above-stated order had affected their rights. The

said application was dismissed by the Commissioner, Hisar Division observing that there was no power of review vested in that Authority.

The aggrieved petitioners have approached this Court.

Since respondent No.3 has sought the passage from Khasra No.93/2 owned by the Gram Panchayat where the petitioners claim that their residential plots are carved out, we are of the view that they are required to be heard before passing any order on the petition filed by respondent No.3 under Section 42 of the Act.

For the reasons afore-stated, we allow this writ petition in part; set-aside the orders dated 10.08.2010 and 28.06.2013 passed by the Commissioner, Hisar Division and remand the matter to that Authority to decide it afresh after hearing the petitioners as well. It shall be appreciated if the reasoned order is passed within a period of four months from the date of appearance of the parties before that Authority.

The parties are directed to appear before the Commissioner, Hisar Division, Hisar on 28.09.2015.

[SURYA KANT]
JUDGE

August 24, 2015
mohinder

[JASPAL SINGH]
JUDGE