

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.12412 of 2015 (O&M)

Date of Decision: 20.08.2015

Joginder Singh & Anr.

. . . . Petitioner

VS.

State of Haryana & Ors.

. . . . Respondents

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

- 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. Parveen Chauhan, Advocate for the petitioners

Ms. Kirti Singh, DAG Haryana

Mr. Ankush, Advocate for

Mr. Aakash Singla, Advocate for respondent No.4

SURYA KANT, J. (Oral)

(1) The grievance of petitioners is that the land reserved for 'Gau Charand' i.e. grazing ground has been diverted and is being utilized for construction of residential houses by carving out 60 sq.yards plots. The petitioners allege that such an action of Gram Panchayat is illegal as the land earmarked for a specific 'common purpose' could not be diverted to any other purpose.

(2) The Gram Panchayat as well as BDPO, Murthal have filed their reply/affidavits defending the action *re.* carving out of plots. Reliance is placed on the land Utilization Plan dated 04.06.2014 (R-1). It is stated that the plots were carved out as per the said utilization plan which is duly approved by the BDPO.

(3) Having heard learned counsel for the parties we are of the considered view that the decision regarding utilization of Gram Panchayat land for a purpose other than for which it was reserved ought not to be left at the level of BDPO only. The expected developmental activities and related future projections for which the Gram Panchayat would require land in future in phases ought to be determined and approved by senior administrative authorities not below the rank of Deputy Commissioner of the District or the Director, Panchayats. Since the respondents are relying upon the Utilization Plan dated 04.06.2014 read with Rule 3 of the Punjab Village Common Lands (Regulation) Rules, 1964, we dispose of this petition with a direction to the Deputy Commissioner, Sonapat to consider the objections raised by the petitioners against the above-stated decision of Gram Panchayat/BDPO and decide the same by passing a reasoned order and after hearing both the parties as well as other stake-holders.

(4) The appropriate decision shall be taken within a period of four months from the date of receipt of a certified copy of this order.

(Surya Kant)
Judge

20.08.2015
vishal shonkar

(Jaspal Singh)
Judge