

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

CWP-14478-2015
Decided on : 22.07.2015

Smt. Raj Rani

.... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
 HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr.Naveen Singh Panwar, Advocate, for the petitioner.

RAJIVE BHALLA, J. (ORAL)

The petitioner prays for issuance of a writ of mandamus, directing the respondents to allot a 100 square yards plot to her, under the Mahatma Gandhi Gramin Basti Yojna.

Counsel for the petitioner submits that the Gram Panchayat has passed a resolution, allotting 100 square yards residential plots out of “shamilat land”. The allotment is illegal as plots have been allotted to persons who already own residential property in the village. It is further submitted that the authorities may be directed to investigate the matter or decide the representation filed by the petitioner. It is prayed that as the petitioner is eligible, the Gram Panchayat (respondent No.5) may be directed to allot a plot to the petitioner.

We have heard counsel for the petitioner and perused the paper-book.

Section 10-A of the Punjab Village Common Lands

(Regulation) Act, 1961 (hereinafter referred to as the “1961 Act”) (as applicable to the State of Haryana), provides that notwithstanding anything contained in the Act or in any law for the time being in force, the Assistant Collector of the 1st Grade, may verify the legality or propriety of any lease, sale, gift or exchange of land, that vests in a Gram Panchayat. The petitioner, would, therefore, have to seek remedy, under Section 10-A of the 1961 Act. As regards the petitioner's prayer for allotment of a plot, the petitioner may raise this prayer before the Assistant Collector, Ist Grade, Sonapat, as allotment of plots inheres a rejection of the petitioner's application for allotment of a plot.

The writ petition is consequently disposed of by granting liberty to the petitioner to file an application before the Assistant Collector, Ist Grade, Sonapat, furnishing complete details of the allottees, reasons for their disqualification and the petitioner's eligibility. The Assistant Collector, Ist Grade, Sonapat, shall if such an application is filed, hold an inquiry, under Section 10-A of the 1961 Act, and pass appropriate orders, in accordance with law, within four months of the filing of such an application.

[RAJIVE BHALLA]
JUDGE

22.07.2015
shamsher

[SHEKHER DHAWAN]
JUDGE