

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.16688 of 2015
Date of Decision: August 13, 2015

Bant Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Pawan Kumar, Senior Advocate with
Mr.Abhimanyu Batra, Advocate, for the petitioners.

-. -

- 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 who are residents of village Islampur, Tehsil Rajpura, District Patiala which is now a part of Municipal Council, Rajpura, belong to the poor strata of society. They earlier approached this Court in CWP No.12507 of 2012 asserting that in respect of the residential plots allotted to them by the Gram Panchayat in the year 1970, mutations are not being sanctioned in their favour though such a recourse was adopted in the case of neighbouring village. This Court vide order dated 06.07.2012 disposed of that writ petition with a direction to the authorities to verify the above-mentioned claim and do the needful.

In deference to those directions, Sub-Divisional Magistrate, Rajpura, has passed the impugned order dated 03.12.2013 (statedly conveyed to the petitioners on 24.03.2015) (P-21), whereby their claim has been turned down, inter-alia, on the grounds that:- (i) there is no proof of allotment; (ii) no resolution passed by the Gram Panchayat for such allotment is available; (iii) there is no approval by any Competent Authority; (iv) Khasra No.566 where the plots are said to have been carved out did not belong to the Gram Panchayat; (v) no terms and conditions of the allotment are available; (vi) no construction has been raised at the site, and (vii) village Islampur stood included in the Municipal Council, Rajpura, way back on 12.12.1994.

The aggrieved petitioners are before us.

As may be seen, the above-stated reasons assigned by the Authority are essentially question of facts. Even if the petitioners have sufficient material/proof to counter these findings, such material or proof has to be considered by a Superior Authority who can on re-appraisal and appreciation of such material, may reverse, modify or uphold the findings returned by the Sub-Divisional Magistrate, Rajpura.

We, thus, dispose of this writ petition with liberty to the petitioners to file an appeal against the above-stated order before the Deputy Commissioner, Patiala, who in turn is directed to entertain such appeal and decide the same by passing a reasoned order after hearing both the parties. Needless to say that the petitioners shall be at liberty to supplement their claim before the Deputy Commissioner by way of additional proof, evidence/material and the same shall be duly considered by the Authority while deciding the

petitioners' claim.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 13, 2015
mohinder

[JASPAL SINGH]
JUDGE