

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 20540 of 2014. [O&M]

Date of Decision: 17th September, 2015.

Ramesh & Anr.

Petitioners through
Mr. Kartar Singh Malik, Advocate

Versus

State of Haryana & Ors.

Respondents through
Ms. Kirti Singh, Deputy AG, Haryana.
Mr. Hardeep Singh, Advocate, for
Mr. Vikas Lochab, Advocate, for
respondent No. 4.

**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?**

SURYA KANT, J. [ORAL]

Though the petitioners have laid challenge to the order dated 18.09.2013 of the Financial Commissioner, dismissing their revision petition for want of jurisdiction, but the real dispute pertains to the validity of Gift Deeds said to have been executed in favour of the petitioners by the Gram Panchayat, in respect of plots measuring 100 square yards each given for construction of residential houses.

The official respondents have filed their reply/affidavit, *inter-alia*, maintaining that the State Government, namely, the Competent Authority has yet not approved the execution of Gift Deeds in favour of the petitioners.

The questions that have emanated out of the pleadings are [i] whether the petitioners own residential house[s] in the village?; and [ii] whether they have encroached upon Gram Panchayat land? These are pure questions of fact which require determination by the Competent Authority.

We are informed that the Competent Authority who exercises such power on behalf of the State Government including to accord approval to the allotment of 100 square yard plots is the Deputy Commissioner. We, thus, dispose of this writ petition with a direction to the Deputy Commissioner, Sonapat to hear the petitioners as well as Gram Panchayat and determine whether they are entitled to allotment of subject plots, being land-less defence personnel? If the petitioners are found eligible and entitled to, further steps for execution of Gift Deeds may be taken. However, if the petitioners are found ineligible, let their claim be decided by passing a speaking order. The needful be done within a period of six months from the date a certified copy of this order is received.

Disposed of. Dasti.

**(SURYA KANT)
JUDGE**

**September 17, 2015.
dinesh**

**(JASPAL SINGH)
JUDGE**