

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.19857 of 2015
Date of Decision: November 03, 2015

Sukhdev Singh and othersPetitioners

versus

The State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Baltej Singh Sidhu, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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)

Notice of motion to respondent Nos.1 to 3 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let three copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 to 3 or to serve respondent Nos.4 to 6 at
this stage as no order prejudicial to their interest is being
passed.

[2] The petitioners are residents of village Kangan Khera, Tehsil Malout, District Sri Muktsar Sahib. Their grievance is against the order dated 26.06.2015 passed by the State Government whereby the exchange of shamlat land of the Gram Panchayat with the land of respondent No.6 who happens to be husband of Sarpanch of the Gram Panchayat, i.e., respondent No.5, has been approved.

[3] A perusal of the impugned order (P-4) reveals that the exchange of Gram Panchayat land measuring 38 kanals with the land of respondent No.6 measuring 32 kanals 9 marlas has been approved for the purposes of:- (i) allotment of plots to Scheduled Castes families (ii) for construction of Rajiv Gandhi Sewa Kendra; marriage palace; Panchayat Ghar; Aanganwari Centre; Veterinary Hospital and Society Building etc.

[4] The petitioners have three-fold grievances against the above-stated exchange. Firstly, they contend that the total area of Gram Panchyat land is much more than what it has got from respondent No.6 in exchange, namely, 32 kanals 9 marlas against 38 kanals land; secondly, they attribute motive to the Sarpanch as the land of her husband has been exchanged, and thirdly they claim that most of the facilities/amenities for which the exchange has taken place, are already in existence and are being availed by the residents of the village.

[5] We have heard learned counsel for the parties and perused the site-plan (P-5). It does appear that the land of respondent No.6 measuring 32 kanals 9 marlas is situated near the village and a major part of it is abutting the main road. On the other hand, the Gram Panchayat land is far away and does not appear to have any direct connectivity from the main road

of the village. Nonetheless, the question of evaluation of two parcels of land and their utility for the purpose of development works is essentially an issue to be examined by the Executive. We have no reason to doubt that the State Government though has already accorded its approval, shall consider and decide the petitioners' objections objectively and if need be, shall suitably modify its order.

[6] We thus dispose of this writ petition with a direction to respondent No.2 to ascertain the correct facts with reference to the objections raised by the petitioners and take an appropriate decision within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

November 03, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.14609 of 2015 in
CWP No.19857 of 2015

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Sukhdev Singh and others vs. The State of Punjab and
others

Present : Mr.Baltej Singh Sidhu, Advocate,
for the applicant-petitioners.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and the
photographs (P-7) are taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

November 03, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE