

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

Civil Writ Petition No.25529 of 2013

Date of Decision: 02.07.2015

Sanjay Kumar

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Asha Thakur, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. Advocate General, Haryana
for respondent Nos.1 to 3.

Mr. Naveen Sharma, Advocate for
Mr. Vikram Singh, Advocate for respondent No.4.

JASWANT SINGH, J. (Oral)

Petitioner, who is a resident of Village Sikri, Tehsil Ballabhgarh, District Faridabad (Haryana), is the complainant against the misdeeds of Charan Singh, Sarpanch (respondent No.4). He has filed the present writ petition seeking quashing of the impugned order dated 14.08.2013 (**Annexure P-6**), passed by the Deputy Commissioner, Faridabad (respondent No.3) holding that the execution of a Sale Deed dated 04.12.2012 (**Annexure P-3**) regarding a parcel of land measuring 5 Marlas comprising in Khasra No.117/34 by respondent No.4-Charan Singh, Sarpanch, which was found to have been earlier allotted by the previous Sarpanch in the year 1981 to Khacheru son of Chajju, to be a genuine mistake and, therefore, disposed of the complaint by issuing a warning to the Sarpanch. He is further seeking issuance of directions for cancellation of the said Sale Deed dated 04.12.2012 and initiation of action for removal of Sarpanch/respondent No.4.

Upon notice, reply has been filed on behalf of the official respondents. It has been averred that after thorough enquiry, it was found that it was a genuine mistake on the part of the present Sarpanch in executing the Sale Deed dated 04.12.2012 regarding a parcel of land which stood earlier allotted to Khacheru s/o Chajju.

At the time of hearing, learned State Counsel submits that steps have been initiated for cancellation of the Sale Deed under Section 10-A of the Punjab Village Common Land Act. It is further asserted that no case for removal of the Sarpanch for the genuine mistake is made out.

After hearing learned Counsel for the parties, this Court agrees with the findings recorded by the Deputy Commissioner, Faridabad (respondent No.3) in the impugned order dated 14.08.2013 (**P-6**).

It is quite possible that the factum of the previous allotment was not in the knowledge of the Sarpanch. Nothing has been brought on record to show that he had such prior knowledge or had acted with mala fide intentions. Therefore, the view taken by respondent No.3 cannot be termed to be arbitrary, so as to warrant interference under Article 226 of the Constitution of India. It is hoped that the steps initiated for cancellation would not be delayed by the Assistant Collector 1st Grade, Ballabhgarh.

In view of the above, the present writ petition stands dismissed.

July 02, 2015
Gagan

(JASWANT SINGH)
JUDGE