

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No. 23367 of 2014
Date of decision: 28.4.2015

Jal Singh and others

... Petitioners

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Ajay Jain, Advocate, for the petitioners.
Mr.D.Khanna, Addl.AG, Haryana
Mr.Rajneesh Chadwal, Advocate,
for respondent No.4.

...

RAJIVE BHALLA, J. (Oral)

The petitioners pray for issuance of a writ in the nature of certiorari, quashing orders dated 28.2.2006, 27.3.2008 and 13.8.2014, passed by the Collector, District Rewari, the Commissioner Gurgaon Division, Gurgaon and the Financial Commissioner, Haryana, respectively, holding that the land, in dispute, is included in the Shamilat Deh of the village.

Counsel for the petitioners fairly submits that while issuing notice in the present petition the impugned orders have been affirmed and notice was issued only with respect to the petitioners' prayer for purchase of 01 kanal of the land, which is the site of the petitioners' house. Liberty may therefore, be granted to the petitioners to approach the Gram Panchayat for purchase of this 01 kanal of land under Rule 12(4) of the Punjab Village

Common Lands (Regulation) Rules, 1964 (as applicable to the State of

Haryana).

Counsel for the Gram Panchayat submits that he has no objection to the petitioners filing an appropriate application for purchase of the land in dispute but the application shall be considered by the Gram Panchayat, strictly in accordance with Rule 12(4) of the Rules.

We have heard counsel for the parties. While issuing notice on 12.12.2014 the impugned orders were affirmed but notice was issued on the petitioners' plea that liberty may be granted to file an application, before the Gram Panchayat, under Rule 12(4) of the Rules, for purchase of 01 kanal of land, which is the site of the petitioners' house.

Consequently, we dispose of the writ petition by affirming the impugned orders but granting liberty to the petitioners to file an application, before the Gram Panchayat under Rule 12(4) of the Rules. In case such an application is filed it shall be considered and decided within 02 months of its filing or the receipt of a certified copy of this order, whichever is earlier. In case the Gram Panchayat passes a resolution in favour of the petitioners, the authority empowered to approve the resolution shall consider and take a decision on the approval within a further period of 02 months.

During the period of consideration, demolition of the petitioners' house shall remain stayed.

(RAJIVE BHALLA)
JUDGE

28.4.2015

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PRAVEEN KUMAR
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I attest to the accuracy and
integrity of this document

(AMOL RATTAN SINGH)
JUDGE