

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

CWP No. 28758 of 2013

Date of decision : 24.03.2015

Gram Panchayat Balhar Binju

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJIVE BHALLA

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Kanwaljit Singh, Sr. Advocate
with Ms. Gurdeep Kaur, Advocate
for the petitioner.

Mr. Inder Pal Goyat, Addl.AG, Punjab.

Mr. Vijay Kumar, Chaudhary, Advocate,
for respondent no.6.

RAJIVE BHALLA, J.

The Gram Panchayat Balhar Binju, Tehsil and District Bathinda is before us praying for issuance of a writ of Prohibition to restrain the respondents, particularly respondents no. 7 to 15 from encroaching upon land measuring 2 Kanal 5 Marlas bearing Khewat No. 497 Khatoni no. 2496 Khasra no. 905/714/2 situated within the revenue estate of village.

Counsel for the petitioner submits that the land in dispute admittedly vests in the Gram Panchayat. The private respondents have no right, title or interest to interfere in the possession or the user of the land in dispute. The private

respondents have, however, on the basis of some resolutions passed by the Gram Sabha made an attempt to take possession of the land and raised construction without associating the Gram Panchayat. Counsel for the petitioner further submits that though the Gram Panchayat has itself passed resolutions dated 10.3.2011, 21.3.2011 and 30.06.2011 agreeing to construct a community center with the assistance of the Club and Vikas Committee, it may be clarified that the community center shall remain under the management and control of the Gram Panchayat.

Counsel for the private respondents submits that they have no objection if the Gram Panchayat constructs a community center. The private respondents may provide resources and material, but it should be ensured that the Gram Panchayat constructs a community center and utilise it for the benefit of the entire village community.

Counsel for the State of Punjab has filed the affidavit of Smt. Parneet Kaur, Block Development & Panchayat Officer, Bathinda averring therein that possession of the land in dispute has been delivered to the Gram Panchayat.

We have heard the counsel for the parties.

The land in dispute belongs to the Gram Panchayat but it appears that certain individuals want to usurp this land. While affirming the rights of the Panchayat regarding the land in dispute, it is made clear that the Gram Panchayat alone is entitled to enter into actual physical possession of the land in

dispute. The Gram Panchayat would be at liberty to use the land for such purposes as may be provided under the Punjab Village Common Lands (Regulation) Act, 1961 and the rules framed thereunder and may abide by resolutions Annexures R7/14 to R7/16 which require the Gram Panchayat to construct a community center. The ownership, management and control of the land in dispute or the construction raised thereon shall vest in the Gram Panchayat. The Gram Panchayat shall ensure that the building so constructed and the facilities so provided made available to all sections of society irrespective of caste, creed, religion, sex or political affiliation.

The Deputy Commissioner, Bathinda shall personally ensure that actual, physical possession of the land in dispute is handed over to the Gram Panchayat and no person whatsoever creates any hindrance or impediment in the possession of the Gram Panchayat or the construction to be raised by the Gram Panchayat.

Disposed of accordingly.

(RAJIVE BHALLA)
JUDGE

(DARSHAN SINGH)
JUDGE

March 24, 2015
s.khan