

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25947 of 2015
Date of Decision:-11.12.2015.

Kamal Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

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?

Present: Mr. S.S. Dinarpur, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) The petitioner is a resident of village Barna, Tehsil Thanesar, District Kurukshetra. He has through this writ petition filed at the fag end of year 2015, laid challenge to the Resolution passed by the Gram Panchayat of his village on 9.10.2007 and the consequential Government order of that very year whereby Gram Panchayat land measuring 40 *kanal* was exchanged with 40 *kanal* land owned by respondent No.10, whose husband, at one point of time, was a Member of Parliament.

2.) Since the instant writ petition has been filed after long delay of over eight years, we gave an opportunity to the learned

counsel to explain such inordinate delay and laches. Neither he has any explanation nor there is even a whisper in the writ petition as to what prevented the petitioner from approaching any Forum for all these long years, moreso when he is a resident of the same village and had personal knowledge of the exchange as he is claimed to have made a representation to the then Chief Minister on 29.2.2008 for cancellation of the exchange.

3.) In the absence of any explanation, it appears that the petitioner is a busy body who has lent his shoulders to someone else for settling political scores with respondent No.10. Suffice to observe that judicial Forum cannot be the platform for settlement of political issues.

4.) Even on merits also, we do not find it a fit case for interference in exercise of writ jurisdiction. Both the parcels of land are situated within the Revenue Estate of village Barna. The Gram Panchayat Resolution unequivocally recites that there were two heavy electric transformers installed in the Gram Panchayat land and a high voltage wire was crossing over that land. It was adjoining to the power sub-station and was totally unfit for agriculture purposes. As against it, the land taken by the Gram Panchayat from respondent No.10 was fertile agricultural land with a tubewell installed. The Resolution suggests that the land offered in exchange was capable to augment the Gram Panchayat income. The reasons which prompted the Gram Panchayat to pass the resolution were got

verified by the District Administration and thereafter only the State Government accorded its approval. Even if a second opinion is possible, it *per se* is not a valid ground to interfere with the impugned decision taken way back in the year 2007.

5.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

December 11, 2015.

sandeep sethi