

Civil Writ Petition No.26947 of 2014

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Writ Petition No.26947 of 2014
Date of Decision: 17.7.2015

Jagdish and others. ..Petitioners

versus

State of Haryana and others ..Respondents

Civil Writ Petition No.648 of 2015

Daljeet Singh @ Jeet Singh and others ..Petitioners.

Versus

State of Haryana and others ..Respondents

Civil Writ Petition No.1944 of 2015

Bhupinder Singh and others ..Petitioners

versus

State of Haryana and others ..Respondents

and

Civil Writ Petition No.6723 of 2015

Ramesh Kumar ..Petitioner

versus

State of Haryana and others ..Respondents

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

Present: Mr. Vikram Singh, Advocate, for the petitioners.

Mr. Ashok Singla, Addl.A.G.,Haryana.
for respondent nos. 1 and 2.

Mr. M.L.Saini, Advocate, for respondent no.3.

RAJIVE BHALLA, J.(ORAL)

By way of this order, we shall dispose of Civil Writ Petition Nos.26947 of 2014, 648, 1944 and 6723 of 2015.

Counsel for the petitioners submits that after consolidation, the petitioners, inadvertently, constructed houses on the land reserved for the "Phirni", whereas roads etc. were carved out of the land owned by the petitioners. The houses have been in existence since the time of Consolidation and facilities, like, electricity, water and streets etc. have been provided to the houses. Counsel for the petitioners further states that the resolution passed by the Gram Panchayat in favour of the petitioners has been rejected without considering these relevant facts. Counsel for the petitioners further submits that the petitioners are ready to give alternative land to the Gram Panchayat at reserve prices or purchase the land, under rule 12 (4) of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to Haryana) (hereinafter referred to as "the 1964 Rules").

Counsel for the Gram Panchayat states that the Gram Panchayat has no objection in case the petitioners file a fresh application, which shall be considered by the Gram Panchayat/Gram Sabha, in accordance with law.

Counsel for the State of Haryana submits that the resolution passed by the Gram Panchayat has been rejected but in case the Gram Panchayat passes a fresh resolution, it shall be re-considered, in accordance with law.

Counsel for the petitioners accepts the aforementioned statements.

Taking into consideration that the petitioners have constructed houses and statements made by counsel for the parties, the writ petition is disposed of by setting aside order dated 9.12.2014 (Annexure P-5) and by granting liberty to the petitioners, to file an application under rule 12(4) of the 1964 Rules, within 15 days from today. In case such an application is filed, it shall be considered by the Gram Panchayat/Gram Sabha, within a month of its filing and in case the Gram Panchayat recommends transfer of land, the authority concerned, shall pass orders, in accordance with law, within two months of the receipt of a resolution from the Gram Panchayat/Gram Sabha.

The execution of the ejectment orders shall remain in abeyance during this period.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

17.7.2015
VK