

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.26815 of 2015
Date of Decision: December 22, 2015

Om Parkash and anotherPetitioners

versus

State of Haryana and othersRespondents

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

Present: Mr.V.B.Aggarwal, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.

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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?*

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 & 2 only at
this stage.

On our asking, Ms.Kirti Singh, learned Deputy
Advocate General, Haryana, accepts notice on their behalf.

Let two copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 & 2 or to serve respondent No.3 at this
stage as no order prejudicial to their interest is being passed.

The petitioners seek a restrain order against the
Gram Panchayat of their village Sangipur, Sub-Tehsil Radaur,
District Yamuna Nagar from changing the nature of land

reserved for the common purpose of Charand. Reliance is placed on a decision of this Court dated 7.7.2011 in CWP No.13652 of 2009 (Baljinder Singh and others versus The State of Haryana and others) (Annexure P-2). The petitioners in this regard are said to have submitted objections under Section 5B (2) of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable in the State of Haryana (Annexure P-5).

Having heard learned counsel for the parties and considering the nature of relief sought, we dispose of this writ petition without expressing any views on merits, with a direction to the Principal Secretary to the Government of Haryana, Department of Panchayats as well as the Deputy Commissioner, Yamuna Nagar, to consider and take an appropriate decision on the objections referred to above, said to have been submitted by the petitioners by passing a speaking order in accordance with law preferably within a period of four months from the date of receiving a certified copy of this order.

It is further directed that till the utilization plan in terms of the above-cited decision is prepared by the Gram Panchayat with prior approval of the Deputy Commissioner, status-quo re: change of common purpose of the land shall be maintained.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

[P.B.BAJANTHRI]
JUDGE

December 22, 2015
mohinder