

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2725 of 2015

Date of Decision: February 18, 2015

Jai Bhagwan and othersPetitioners
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Vikas Lochab, Advocate, for the petitioners.
Mr.RKS Brar, Additional AG, Haryana.

:-

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 to 4 only at
this stage.

On our asking, Mr.RKS Brar, learned Additional
Advocate General, Haryana, accepts notice on their behalf.

Let four copies of the writ petition be supplied to
the learned 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.

Since the order proposed to be passed by us shall
not prejudice the interest of private-respondents, it is not
necessary to call upon them. Even no reply-affidavit is required
from the official respondents at this stage.

The petitioners are residents of village Kailana, Tehsil Ganaur, District Sonapat. Their grievance is that shamlat deh which is recorded as Gau Charand and thus is reserved for a specific common purpose, has been auctioned by the Sarpanch on lease basis for agricultural purposes without there being any change in the utilization plan as per the Government Policy. It is further averred that some of the residents filed a civil suit and obtained ad-interim injunction order but over-looking the same, the subject auction was conducted. The petitioners have brought these facts to the knowledge of the higher authorities including the Principal Secretary to Government of Haryana, Department of Rural Development and Panchayat, Chandigarh, vide representation dated 08.01.2015 (Annexure P-6) but finding no response thereto, the instant writ petition has been filed.

Having heard learned counsel for the petitioners and the State counsel and keeping in view the import of the Government Policy dated 20.05.2013 (Annexure P-5) coupled with the petitioners' allegations that no utilization plan has been got approved by the Gram Panchayat to change the common purpose but at the same time without expressing any views on merits, we dispose of this writ petition with a direction to the Principal Secretary, Rural Development and Panchayat, Haryana, to call for the records and redress the petitioners' grievance in accordance with law/Government policy but after hearing the Gram Panchayat. The Principal Secretary shall also be at liberty to delegate the above-stated exercise to the Deputy Commissioner, Sonapat who shall then follow the above-stated procedure.

Let the needful be done within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 18, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE