

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.353 of 2015
Date of Decision: January 09, 2015

Gram Panchayat, Village FatehgarhPetitioner
versus
State of Haryana and othersRespondents

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

Present:Mr.S.P.Chahar, Advocate, for the petitioner.

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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)

The Gram Panchayat of village Fatehgarh, Tehsil Tauru, District Mewat, challenges an order dated 8.7.2009 (Annexure P-2) and consequential mutation No.778 dated 12.08.2009. Vide the first order, the exchange of land measuring 1 kanal 4 marla between the petitioner-Gram Panchayat and respondent No.3-M/s N.D.R. Ware Housing Private Limited, was approved by the then Director, Consolidations, Haryana. The order approving the exchange would speak in volume that no prejudice was caused to the Gram Panchayat and the decision was taken in public interest with the consent of the Gram Panchayat.

It may be true that this Court in exercise of public interest jurisdiction, vide order dated 06.09.2012 passed in a bunch of cases (Annexure P-4), found some of the orders of the Director, Consolidations, approving exchange of land of

Gram Panchayat with the land of colonizers, per se illegal and detrimental to the interest of Gram Panchayats. Nonetheless, those directions were issued at the instance of residents of the villages who questioned the legality or bonafide of the action of their Gram Panchayats. Here is a case where the previous Gram Panchayat to which the petitioner has succeeded, consented to the exchange. The exchange has already been given effect and the Company is already using the Gram Panchayat land as a part of its land-holding after giving equivalent land to the Gram Panchayat which is now owned by the petitioner-Gram Panchayat.

Suffice to observe that if there is any obstruction or impediment caused by respondent No.3 in enjoyment of the land given to the petitioner-Gram Panchayat in exchange, the petitioner has got an effective remedy in law to enforce that exchange. We thus, do not find any ground to interfere with the impugned order at this stage.

Dismissed.

[SURYA KANT]
JUDGE

January 09, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE