

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.6735 of 2015

Date of Decision: 21.04.2015

Channan Singh and another

....Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Rajive Bhalla, J (Oral)

The petitioners pray for issuance of a writ in the nature of certiorari, quashing order dated 01.06.2012 passed by the State of Punjab, granting approval to a resolution passed by the Gram Panchayat, exchanging land belonging to the Gram Panchayat with land belonging to respondents No.8 to 11.

Counsel for the petitioners submits that the Gram Panchayat passed a resolution which has been approved by the Government but without considering that the land received by the Gram Panchayat in exchange is a “pucca” well, thereby violating the provisions of Rule 6 of the Punjab Village Common Lands (Regulation) Rules, 1964.

We have heard counsel for the petitioners. Section 10(a)

of the Punjab Village Common Lands (Regulation) Act, 1961 confers powers upon the Collector, notwithstanding any other provisions of the Act, to examine the legality of any exchange etc. The petitioners are, therefore, relegated to their alternative remedy of approaching the Collector by way of an appropriate petition.

In case such application is filed, the Collector shall examine the legality of the resolution, the order approving exchange, in accordance with law, uninfluenced by the fact that approval has been granted by the Government, preferably within a period of 3 months of the filing of such a petition, .

Disposed of accordingly.

(Rajive Bhalla)
Judge

April 21, 2015
vcgarg

(Amol Rattan Singh)
Judge