

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8479 of 2014

Date of Decision: August 21, 2015

Jai Singh and anotherPetitioners

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.V.B.Aggarwal, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.
Mr.Vikram Singh, Advocate, for respondent No.3. .

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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 petitioners are residents of village Sherpur, Tehsil Chhachrauli, District Yamuna Nagar. Their perceived grievance in the instant petition is against carving out of 100 square yard plots by the Gram Panchayat with the approval of Deputy Commissioner, Yamuna Nagar, on the land which is reserved as 'Gau Charand' under the consolidation scheme.

Learned counsel for Gram Panchayat-respondent No.3, on the strength of affidavit dated 21.07.2015 filed by a Member of the Gram Panchayat, states that the plots have been carved out in Khasra Nos.8//15, 16, 25/1 & 25/2 which are not reserved as 'Gau Charand'.

But the District Development and Panchayat Officer, Yamuna Nagar in his written statement/affidavit has candidly admitted that out of the total shamlat land measuring 155 kanal 7 marla, the land reserved for 'Gau Charand' is 54

kanal 19 marlas, out of which about 24 kanals land has been utilized for the plots in question.

Since the State policy for allotment of 100 square yard plots is meant for the rehabilitation of poor landless persons, living below poverty line, and the question whether diversion of the land in the manner as has taken place in this case is stated to be pending consideration before a Full Bench of this Court, we dispose of this writ petition at this stage with a direction that if the proprietors or residents of the village finally succeed and it is held that the land reserved for 'Gau Charand' could not be diverted for any other common purpose, in the event the District Administration and the Gram Panchayat will be obligated to re-pool the additional land measuring 24 kanal towards 'Gau Charand' of the village. As of now, there is no necessity to interfere in the action taken by the Gram Panchayat.

Ordered accordingly.

[SURYA KANT]
JUDGE

August 21, 2015
mohinder

[JASPAL SINGH]
JUDGE