

CWP No. 8607 of 2015
DECIDED ON: AUGUST 17, 2015

RAM MEHAR

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

.....RESPONDENTS

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

- 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?*

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. Ajit Kumar Sharma, Advocate for
Mr. Narinder Pal Bhardwaj, Advocate
for respondent No.4.

SURYA KANT, J (ORAL)

Learned State counsel as well as counsel representing the Gram Panchayat though seek more time to file their respective replies but we do not deem it necessary to grant further opportunity, as the matter can be decided at this stage without obtaining their reply.

2. The petitioner seeks a mandamus to direct the competent authority namely Director Panchayats, Haryana to confirm the Gram Panchayat's resolution No. 6 dated 27.06.2003 (P-1) for which he is said to have submitted an application on 10.02.2015 (P-3). The case of the petitioner is that in the presence of the then Deputy Commissioner, Karnal, a compromise was effected between the Gram

Panchayat and him in terms whereof, the petitioner's land was exchanged with that of Gram Panchayat so that a road could be constructed. Both the parties acted upon the compromise and the petitioner has constructed his house on the Gram Panchayat's land given to him in lieu of his land, which has also been utilised for the construction of road. The petitioner has been subsequently declared unauthorised occupant over the Gram Panchayat's land for the reasons that resolution passed by the Gram Panchayat has not been so far confirmed by the Competent Authority.

3. As the facts would speak themselves, the issue raised by the petitioner requires verification of record and determination of a question of fact. If the Gram Panchayat and petitioner had exchanged the land on being persuaded by the then Deputy Commissioner, it is obvious that the competent authority needs to intervene in the matter. We would, however, not express any views on merits except to say that let a decision by respondent No.2 be taken in the matter within a period of three months from the date of receipt of certified copy of this order.

4. Dasti.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

AUGUST 17, 2015
SHAM