

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1181 of 2015 (O&M)
Date of Decision:- 28.09.2015.

Tripta Devi and another

.....Appellants

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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. Arvind Kashyap, Advocate for the appellants.

SURYA KANT, J. (ORAL)

1.) The appellants are subsequent vendees of shop-cum-offices No.16, 17 and 18, constructed under the 'IDSMT Scheme Bara' by the Municipal Council, Fatehgarh Sahib. There is a piece of land owned by the private respondents lying in front of petitioners showrooms. The Municipal Council passed resolutions with the consent of private respondents to take over that land by giving them same size and value of plots to the private respondents at a different location. The resolution and subsequent reminders sent by the Municipal Council are awaiting Government response as no such exchange is permissible unless there is approval by the State

Government.

2.) The petitioner, thus, seeks a command to the State Government to take its decision on the resolution statedly passed by the Municipal Council. Learned Single Judge has dismissed the writ petition observing that the decision to acquire or not to acquire land is the prerogative of the State Government.

3.) We have heard learned counsel for the appellants and gone through the record.

4.) We find no infirmity in the opinion formed by learned Single Judge. It further appears that the appellants have no *locus standi* to seek enforcement of the resolution passed by the Municipal Council, as they have no concern with that resolution. However, if it is in public interest, the Municipal Council may approach the State Government to take an appropriate decision in accordance with law.

5.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

September 28, 2015.

sandeep sethi