

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.16605 of 2011 (O&M)

Date of decision:-20.01.2016

Deshraj and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.S. Longia, Advocate, for the petitioners.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

Mr. R.S Budhwar, Advocate,
for respondent No. 5.

RAJESH BINDAL J.

The petitioners, who are allottees of small plots allotted to them in the year 2008 under the Mahatama Gandhi Gramin Basti Yojana (for short 'the Yojana') of the State Government, have filed the present petition with a grievance that after sanction of the resolution passed by the Gram Panchayat allotting plots to the petitioners, the site plan has been changed with the change of Sarpanch in the subsequent election, without any approval from the Government.

In the case in hand, it is not disputed that initially 47 plots of 100 sq. yards each were allotted to all the eligible persons under the Yojana out of the shamlat land and the plots were carved out in khasra Nos.383,384,387,404,405,406,407. A plan was prepared showing the location of plots, giving them distinct numbers and further leaving open spaces such as streets, common areas and park. Subsequently, it was noticed that beyond the shamlat land in question on which plots were allotted to the petitioners, the Gram

Panchayat had large chunk of shamlat land measuring about 46 acres, which had a very narrow approach. The approach to the other bigger chunk of shamlat land owned by Gram Panchayat was merely through a passage of 8 feet. With a view to widen that approach, a little change was made in the plan, without disturbing the area of plots allotted to the eligible persons under the Yojana or the size of streets. The passage which was 8 feet wide was sought to be widened to 19 feet. The only difference with the changed plan was that some plots which had opening on two sides on the streets will have opening only on one side. The streets are 15 feet wide. There is nothing produced on record to show that any of the allottees of the plots had raised any construction before the scheme was modified a little bit by the Gram Panchayat.

Considering the aforesaid factual matrix, in my opinion, no prejudice has been caused to the petitioners to raise grievance regarding increase in the width of the passage from 8 to 15 feet as the size of plots allotted to the petitioners or other allottees or the location thereof remains in the same khasra numbers where it was located initially. The revised site plan which has been prepared may be placed on record before the authority along with plan which was initially sanctioned.

For the reasons recorded above, I do not find that any case is made out for interference by this Court

The writ petition stands dismissed.

(RAJESH BINDAL)
JUDGE

20.01.2016

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