

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10588 of 2015
Date of Decision:-17.3.2016.

Sudhir and another

.....Petitioners

Versus

State of Haryana 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. Raj Kumar Gupta, Advocate for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate for
respondent No.2.

Mr. Ram Pal Verma, Advocate for
respondent No.6.

SURYA KANT, J. (ORAL)

1.) This writ petition is nothing but the second or third calculated attempt made by the residents of Village Shahpur Tagga, Tehsil Ghanaur, District Sonapat to stall the utilization of the land statedly owned by the Gram Panchayat of their village, for a project of paramount public importance which is being developed by the Haryana State Agricultural Marketing Board.

2.) The Gram Panchayat passed a Resolution on 21.11.2007

which was duly approved by the State Government on 4.2.2008 in accordance with the powers vested in it under the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to State of Haryana, for the transfer of land measuring 147 *acre 5 kanal* and 18 *marla* to the State Agricultural Marketing Board “for construction of Fruit and Flower Market”.

3.) The land was transferred to Marketing Board @ ₹ 16,00,000/- per acre.

4.) The above stated Resolution as well as approval by the State Government were challenged before this Court in ***CWP No.3433 of 2008 (Onkar Tyagi and others Vs. State of Haryana and others)*** which was dismissed by a learned Single Judge on 22.4.2009. The aggrieved residents filed ***LPA No.1223 of 2009*** which was also dismissed by a Division Bench of this Court on 3.5.2011.

5.) Thereafter, one more unsuccessful attempt was made to stall the above stated project at the behest of the residents.

6.) In the instant petition, two petitioners claim themselves to be the tenants-cum-proprietors of the land in dispute. They are said to have, along with others, filed petition(s) against the Gram Panchayat under Section 13-A of the 1961 Act seeking declaration of their ownership qua the suit land. The above stated petition(s) are still pending adjudication.

7.) The sale consideration paid by the Marketing Board to the

Gram Panchayat has since been deposited in a Nationalized Bank by way of FDRs so as to await the outcome of the proceedings pending under Section 13-A of the Act.

8.) The petitioners claim that the land has been sold to the Board at a very low rate as compared to its market value or the land of adjoining village which has also been purchased for the same project.

9.) We are however, not impressed by the submission which is totally premature and imaginary at this stage. Firstly, if the petitioners are 'tenants' over the suit land then they cannot be its 'proprietors' also. Secondly, if the petitioners would be declared owners of the land in dispute, they can withdraw the amount lying in FDRs without prejudice to their right to seek enhancement of compensation for the subject-land. The petitioners' plea to stall the project itself when, *prima-facie*, they are not the owners of the subject-land, cannot be entertained being premature. It is only if they are found to be owners of the land in question that such a plea would be available to them to seek enhancement of compensation.

10.) With liberty aforementioned, the writ petition is disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 17, 2016.

sandeep sethi