

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10631 of 2016 (O&M)

Date of Decision: 26.05.2016

Gram Panchayat Village Jaurasi Sarf Khas

... Petitioner

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE A.B. CHAUDHARI

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. Arun Kumar Singla, Advocate for the petitioner

Ms. Kirti Singh, DAG Haryana

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Ms. Kirti Singh, DAG Haryana accepts notice. In view of the nature of order which we propose to pass, there is no necessity to call upon the respondents to file reply, at this stage.

(2) The petitioner is the Gram Panchayat of Village Jaurasi Sarf Khas, Block Samalkha, District Panipat. It seeks a writ of mandamus to direct the respondent-authorities to accord necessary approval for the exchange of land of village pond with the land of the private persons as the said pond statedly falls within the *abadi deh* and has become breeding centre of mosquitoes etc., causing serious health hazard to the residents of village. The record reveals that earlier this Court had issued directions to take a final decision in the matter and in compliance thereto, the Principal Secretary to Government of Haryana, Development and Panchayats vide memo dated 19.03.2013 (P10) raised various queries asking the Deputy Commissioner, Panipat to respond. One of the objections raised was that in view of the

decision of the Hon'ble Supreme Court as well as of this Court, the 'village pond' is required to be kept intact and it could not be exchanged with any private land.

(3) The Deputy Commissioner, at the instance of the Gram Panchayat, has submitted a fresh proposal dated 30.12.2014 (P9) explaining that the Gram Panchayat has resolved to construct a new pond at the exchanged land and in this manner the village community shall not be deprived of the facility of the pond. At the same time, the multiple health related problems caused by the present pond located within the *abadi deh* shall also stand resolved. In the instant writ petition, the grievance of the Gram Panchayat is that the fresh proposal was sent in December, 2014 but is still awaiting final decision by the State Government.

(4) In this view of the matter, when the queries raised by the State Government have been effectively answered by the Deputy Commissioner, Panipat in the fresh proposal, we dispose of the writ petition with a direction to the State Government/Competent Authority to take a final decision in the matter within two months from the date of receipt of a certified copy of this order.

(5) Disposed of.

(Surya Kant)
Judge

26.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge