

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.13123 of 2015

Date of Decision: April 06, 2016

Gau Sewa Samiti Siana Saidan

....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Baldev Singh Dhillon, Advocate, for the petitioner.

Ms.Kirti Singh, Deputy Advocate General, Haryana.

Mr.C.B.Goel, Advocate, for respondent Nos.7 & 8.

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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?*

Surya Kant, J. (Oral)

The petitioner is a self-styled Organization named as 'Gau Sewa Samiti' constituted by some residents of village Saina Saidan, District Kurukshetra. The instant writ petition has been filed alleging that the District Administration of Kurukshetra as well as Gram Panchayats of villages Tikri and Saina Saidan, Tehsil Pehowa, District Kurukshetra are doing nothing to protect the 'Gau Charand' land in two villages, which vests in Gram Panchayats. It is further alleged that the said land is being illegally transferred to private persons.

[2] Pursuant to the directions issued by this Court, the Deputy Commissioner, Kurukshetra has filed the status report explaining that out of total Gram Panchayat land measuring

382 kanals 10 marlas of village Saina Saidan, 211 kanals 11 marla has been leased out by the Gram Panchayat for the year 2015-16 and the remaining land is reserved/utilized/earmarked for other common purposes described at Sr.No.2 of the table reproduced in the affidavit. It is further explained that a part of 'Gau Charand' land has been, in due course of time, leased out for cultivation purpose to generate income for the Gram Panchayat. It is thus explained that whereas in the year 1970-71, 37 kanal 04 marla land out of the 'Gau Charand' was leased out, such area increased to 252 kanal 06 marla in the year 2000-01 but has now reduced to 211 kanal 11 marla in the year 2015-16.

[3] So far as the allegation of unauthorized possession over the Gram Panchayat land is concerned, the Deputy Commissioner has averred that a report from the Tehsildar, Pehowa was sought which is still awaited.

[4] A similar status-report in respect of the Gram Panchayat land of village Tikri, Tehsil Pehowa, District Kurukshetra has also been furnished.

[5] Having heard learned counsel for the parties, we do not find any irregularity or illegally in leasing out the Gram Panchayat land on annual basis for cultivation purpose, save that; (i) the entire area reserved for 'Gau Charand' is not actually required for such purpose; (ii) the land is leased out through public auction and in a transparent manner to generate income for the Gram Panchyat.

[6] Needless to say that it is the duty of the Deputy Commissioner, D.D.P.O and the B.D.P.O. of the area concerned to ensure that annual auction of the Gram Panchayat land is held in the presence of some senior Government officer and

all the villagers are allowed to participate in the auction process.

[7] There is no gain saying that if as per the report to be submitted by Tehsildar, Pehowa, there are unauthorized encroachments made on Gram Panchayat land, it is the duty of the Gram Panchayat as well as the Officers of the Panchayat and Development Department, Haryana to initiate lawful eviction proceedings against the encroachers. We direct the Deputy Commissioner, Kurukshetra to obtain the fact-finding report from the Tehsildar, Pehowa, within two months and if any person is found in unauthorized possession of the Gram Panchayat land, the B.D.P.O. concerned is directed to initiate eviction proceedings in accordance with law. Such eviction proceedings shall be taken to their logical conclusion within a period of one year.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 06, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE