

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13595 of 2015 (O&M)

Date of Decision: 07.01.2016

Meer Singh & Ors.

... Petitioners

VS.

Gram Panchayat Jhupa Kalan & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Ajay Kumar Gupta, Advocate for the petitioners

Mr. SS Mor, Advocate for Gram Panchayat

Ms. Kirti Singh, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioners are residents of village Jhupa Kalan, Tehsil Loharu, District Bhiwani. They have laid challenge to the resolutions passed by the Gram Panchayat of their village dated 13.06.2013 and 03.06.2014 whereby the Gram Panchayat resolved to give 53 acres of land of *shamlat deh* to the Public Health Department of State Government for construction of "Canal Based Water Works" to supply drinking water to 41 villages of the area.

(2) The land given for the aforesaid purpose was reserved as *Gauchar Bhoomi*, namely, for grazing the cattle but it has also come on record that the Gram Panchayat owns about 290 acres shamlat land out of which 53 acres only has been given.

(3) Loharu – a Sub Division of Bhiwani district adjoins Rajasthan. There is severe scarcity of drinking water in the area. There are hundreds of villages without any means of drinking water as the natural resources of drinking waters have dried

and/or the ground-water has become dangerous to the lives of human beings. It is in these circumstances that the State Government approved this ambitious project of constructing Canal Based Water Works to supply drinking water to several villages for which it sanctioned the budget of ₹77.36 crores and a substantial amount of ₹46.35 crores has already been spent on the scheme. At the time when the written statement was filed in August, 2015, 60% of the project work had already been completed.

(4) In these circumstances, when the Gram Panchayat resolutions are essentially meant to achieve a laudable public purpose, no interference is called for by this Court in exercise of writ jurisdiction. However, if the Gram Panchayat is entitled to compensation for its land, it shall be at liberty to raise such a claim before an appropriate forum and the same shall be determined in accordance with law.

(5) Sh. Gupta, learned counsel for the petitioners further contended that besides grazing of cattle, the land is meant for flora and fauna and its utilization for the subject-project would lead to deforestation and environmental issues. We are not impressed by the contention for the reason that the land has never been notified as a 'private' or 'State Forest' nor there is any material on record to suggest any plantation at the site. Be that as it may, the fact of the matter is that more than 60% project

work has already been completed and it would be detrimental to the public interest besides sheer wastage of public funds if the project is stalled at this belated stage on the basis of hyper-technicalities.

(6) Another contention raised on behalf of the petitioners that the ongoing project is likely to cause hardship to some of the residents in approaching their land-holdings for want of passage, need not be gone into by us as no such individual cause has come forward. Suffice it to say that the question of public passage or access to the field areas of farmers can be gone into by different Statutory Authorities like under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

(7) With liberty afore-mentioned, the writ petition is dismissed.

(Surya Kant)
Judge

07.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge