

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CWP-18709-2013 (O&M)
Date of Decision: December 12, 2016

Raju and others
.....Petitioners
Versus

The State of Haryana and others
.....Respondents

2 CWP-1048-2014 (O&M)
Jamalu and others
.....Petitioners
Versus

The State of Haryana and others
.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
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Present: Mr.Sandeep Sharma, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Haryana.

Mr.Lokesh Sinhal, Advocate
for HUDA.

Mr.Neeraj Gupta, Advocate
for Gram Panchayat.
.....

SURYA KANT, J.

This order shall dispose of the above captioned writ petitions as
the point in issue involved in both the cases is same.

[2] Petitioners, who belong to Muslim Community, are residents of
village Daultabad, Tehsil & District Gurgaon. Their grievance is against

Notifications dated 11.01.2013 and 17.07.2013 vide which land of 'Kabristan' measuring 2.8 Kanal of their village has been acquired by State of Haryana for the purported 'public purpose' of Sector-Dividing Road at Gurgaon.

[3] This matter has been taken up for hearing from time to time and various interlocutory orders have been passed directing the authorities to reconsider the subject acquisition. It was further directed that if land of 'Kabristan' is essentially required for construction of the sector dividing road, in that case suitable alternative site be reserved for 'Kabristan'.

[4] In compliance to those directions the Gram Panchayat firstly resolved to reserve land measuring 2 Kanal 8 Marla as 'Kabristan' for Muslim Community but that site was not acceptable to the petitioners as it is about 2 ½ kms away from the village.

[5] Fresh directions were issued and the Deputy Commissioner, Gurgaon, was asked to intervene in the matter.

[6] Today, Deputy Commissioner has filed affidavit alongwith fresh resolution of the Gram Panchayat dated 16.11.2016 whereby the Gram Panchayat has resolved to earmark land measuring 1 Kanal 12 Marla out of Killa No.48//7/3 as the 'Kabristan'. This site is less than one kilometer away from the village and is acceptable to the petitioners provided that the Gram Panchayat agrees to allot another piece of land so as to make the deficiency good, i.e. total measuring 2 Kanal 8 Marla land as 'Kabristan'.

[7] Since the Gram Panchayat has already resolved to reserve another piece of land as 'Kabristan', we dispose of these petitions with a direction that in addition to land measuring 1 Kanal 12 Marla now earmarked

as 'Kabristan' vide resolution dated 16.11.2016, the Gram Panchayat will

further reserve a piece of land measuring 16 Marla out of land measuring 2 Kanal 8 Marla as was decided earlier for `Kabristan' in future.

[8] This offer is acceptable to the petitioners.

[9] In this view of the matter, the writ petitions are disposed of in the above stated agreed terms.

(SURYA KANT)
JUDGE

December 12, 2016
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |