

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17331 of 2014
Date of Decision:-4.2.2016.

Gram Panchayat of Village Sisai Bolan and others

.....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. Vikram Singh, Advocate for the petitioners.

Mr. Ashok S. Chaudhary, Additional A.G. Haryana.

Dr. Praveen Hans, Advocate for respondent No.3.

SURYA KANT, J. (ORAL)

1.) The impugned order dated 13.8.2013 has been passed by the Deputy Commissioner-cum-Prescribed Authority, Hisar in exercise of his powers under Section 215-A of the Haryana Panchayati Raj Act, 1994 (for short 'the 1994 Act') whereunder any dispute which arises between two or more Gram Panchayats is to be referred to the Prescribed Authority and *“whose decision thereon shall be final and shall not be questioned in any Court of Law”*.

2.) Vide the impugned order, the dispute between the petitioner and respondent-Gram Panchayat regarding ownership of Ranisar Pond

(*Talaab*) has been decided by the Prescribed Authority thereby giving half share of that pond to the respondent-Gram Panchayat.

3.) The petitioner – aggrieved Gram Panchayat has invoked the writ jurisdiction of this Court. On 26.8.2014, notice of motion was issued to the respondents for the limited purpose as to why the impugned order be not treated as the one appealable under the 1994 Act?

4.) We have heard learned counsel for the parties and gone through the record.

5.) In our considered view, notwithstanding the tone and tenor of Section 215-A the powers of the State Government under Section 252 (2) of the 1994 Act shall have an overriding effect and nothing precludes the State Government to call for the records *suo motu* or an application made to it in this behalf, and decide the legality, propriety or correctness of the impugned order.

6.) The instant writ petition is, thus, disposed of relegating the petitioner-Gram Panchayat to approach the State Government through Financial Commissioner, Development and Panchayat Department under Section 252 (2) of the 1994 Act and on filing such petition, the State Government is directed to decide the matter in accordance with law, following the procedure as prescribed under Sub-Section (3) and after hearing both the parties.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

February 4, 2016.

sandeep sethi