

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1877 of 2016

Date of Decision:-29.01.2016.

Shiv Lal 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. Mahavir Sandhu, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 3 only. On our asking, Ms. Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on their behalf. Let three copies of the writ petition be supplied to the State counsel during the course of the day failing which this order shall be automatically recalled and the writ petition shall stand dismissed for non-prosecution.

2.) Since no order prejudicial to the interest of respondent No.4 expressing any final opinion on merits of the case is being passed, we do not deem it necessary to call upon it at this stage.

3.) The petitioners are residents of Village Isherpur, Tehsil

Jagadhri, District Yamuna Nagar. They have constructed residential houses on the land which vests in Gram Panchayat though within *abadi deh* of the Village. Eviction orders under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 were passed against them at the instance of the Gram Panchayat. The petitioners filed appeal against the eviction orders which was though dismissed but the Appellate Authority gave them liberty to approach the Gram Panchayat to purchase the land in dispute at the market value. The relevant part of the order is as follows:-

“However, as per the report of Tehsildar Jagadhri it has been found that the appellants have raised some construction over the land in dispute, which seems to be of 15 years old and the Gram Panchayat has no planning to use the land in dispute for common purposes. The land in dispute is also of Abadi Deh. Therefore, it is not justified in the law to demolish the construction raised by the appellants. Therefore, the appellants are directed that if they want to maintain their possession over the land in dispute then they may apply to the Gram Panchayat for assessing the present market value of this land within a period of one month and if the Gram Panchayat wants to sell the land then by considering their application sympathetically, can pass a resolution unanimously by discussing the matter for taking the market value of the land in dispute and as per the instructions of the government, after getting assessed the market

value thereof as per the policy of the government, can give the information thereof to the appellants. If the appellants have failed to deposit the market value within a period of two month after the assessment of the said value, in that situation, the appellants shall be treated as evicted from the land in dispute. The file after compliance be consigned to the record room.”

4.) The above-stated order has attained finality. The petitioners in deference thereto approached the Gram Panchayat and agreed to purchase the land at the market value. The Gram Panchayat passed Resolution No.1 dated 7.5.2007 in their favour resolving that there was no proposal to utilize the land for any common purpose and the same may be sold to the petitioners at the market price.

5.) The Block Development and Panchayat Officer also endorsed the Resolution of the Gram Panchayat. Thereafter, the Gram Panchayat passed another Resolution on 16.9.2007 for assessing the market value of the land from Tehsildar, Jagadhri.

6.) The subsequent correspondence reveals that the Gram Panchayat has resolved three times in favour of the petitioners but the Competent Authority has not taken any final decision so far. In these circumstances, and without expressing any views on merits, we dispose of this writ petition with a direction to the Deputy Commissioner, Yamuna Nagar to call for the records and if averments made by the petitioner are found to be correct, refer the

case to the State Government for necessary approval. The State Government shall take its decision within three months from the date of receipt of recommendations of the Deputy Commissioner, Yamuna Nagar who shall take his own decision within two months from the date of receipt of certified copy of this order.

7.) Till then, status quo re : demolition and further construction shall be maintained.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 29, 2016.

sandeep sethi