

202

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

CWP No.21509 of 2014

Date of decision: May 25, 2016

Gram Panchayat Manvi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. D.S. Gurna, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG Punjab.

Mr. Ashe Goyal, Advocate
for respondent No.6.

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 Gram Panchayat of village Manvi, Block Malerkotla-I, District Sangrur has filed the instant writ petition challenging the order dated 08.08.2014, whereby DDPO Sangrur set aside the auction proceedings through which the Gram Panchayat had leased out its land measuring 26 Bigha 9 Biswa. The Gram Panchayat has further sought a writ of Certiorari to set aside the mutation No.2854 sanctioned on 22.11.1980, whereby the ownership entry of above stated land was mutated in favour of Indian Red Cross Society, Branch Sangrur.

Having regard to the fact that the Gram Panchayat had

resolved to transfer the above stated land in favour of Red Cross Society on the condition that a 25 beds Hospital shall be constructed and that condition was never honoured, this Court after hearing the parties passed the following order on 28.04.2016:-

“The Gram Panchayat vide resolution dated 18.08.1980 had resolved to give a prime piece of its land to the Indian Red Cross Society for the construction of 25 beds hospital. The inhabitants of the village are still awaiting as the hospital has not been constructed either by the Indian Red Cross Society or the State Government. On the other hand, the fruits of the Gram Panchayat land are being enjoyed by the Indian Red Cross Society free of cost, thereby, causing loss of lacs of rupees to the Gram Panchayat. On 29.03.2016, counsel for the Indian Red Cross Society as well as State Government were directed to submit a time-bound plan for the construction of hospital.

Learned State counsel submits that the Government has no such proposal and it does not intend to construct the hospital. Counsel for respondent No.6-Indian Red Cross Society states that there are no funds available with the Society to set up the hospital, though it is ready to utilise the land “for any other purpose”. Such a stand taken by the Indian Red Cross Society amounts to duping the Gram Panchayat and the residents of the village as the land was given only on the promise to construct a 25 beds hospital.

Before we further direct to assess the loss suffered by the petitioner-Gram Panchayat and its consequential recovery from the Indian Red cross Society, we grant one opportunity, in the interest of justice, to respondent No.6-

Indian Red Cross Society to return the land to the petitioner-Gram Panchayat and file a compliance affidavit.”

In deference to the above reproduced order, learned counsel for the Indian Red Cross Society, Sangrur Branch has filed compliance affidavit of Arshdeep Singh Thind, Deputy Commissioner, District Sangrur who is also the President of Indian Red Cross Society, Branch Sangrur, to the effect that the subject land measuring 26 Bigha 9 Biswa situated within the revenue estate of Village Manvi has been mutated on 18.05.2016 vide mutation No.4530 in favour of Gram Panchayat, Manvi.

In this view of the matter, the Indian Red Cross Society, Branch Sangrur shall have no claim whatsoever qua the land in dispute. We appreciate the prompt action taken by the Deputy Commissioner, District Sangrur. He will have to now play a different role so as to protect the Gram Panchayat land and ensure that it is utilised to generate income for the Gram Panchayat. We are informed that presently the Sarpanch is in custody due to his involvement in a criminal case. If that is so, we direct the Deputy Commissioner, District Sangrur to deploy a Senior Officer in whose presence meeting of the Gram Panchayat to be presided over by the Acting Sarpanch and/or Administrator, be immediately convened to resolve and lease out the subject land for agricultural purposes on yearly basis. If such a decision is taken, the Deputy Commissioner shall ensure that auction is held in a transparent manner giving full opportunity to all the

prospective bidders to participate in auction. The amount received towards sale price of the trees which already stand auctioned and which is lying in FDR, be also released in favour of the Gram Panchayat for its utilisation for common purposes/ for welfare of the inhabitants of the village.

No other issue survives in this writ petition and the same is accordingly, disposed of.

A copy of this order be given to Mr. Rajesh Bhardwaj, Addl. AG Punjab for information and necessary compliance.

[SURYA KANT]
JUDGE

[A.B. CHAUDHARI]
JUDGE

May 25, 2016

mahavir