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

CWP No.22634 of 2015

Date of decision: May 26, 2016

Dewan Singh and others

.....Petitioners

Versus

The Secretary to Govt. of Punjab and others

.....Respondents

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

Present: Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Rajesh Bhardwaj, Addl. AG Punjab.

Mr. R.K. Garg, Advocate
for respondent No.5.

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)

Petitioner No.1 and respondent No.5-Gram Panchayat have agreed to exchange their respective lands as described in the head note of this writ petition. The Gram Panchayat has passed two resolutions in this regard, one in the year 2000 and the second in the year 2004.

It is an admitted fact that the exchange was not approved by the competent authority and the land of petitioner No.1 continued to be shown under his ownership in the revenue record. Similarly, the Gram Panchayat's land was also recorded under its ownership as per the revenue record.

The case of petitioner No.1 is that while his land has been utilised by the Gram Panchayat (fully or partially), the land given by the Gram Panchayat to him in lieu thereof is also sought to be taken away by way of an order of eviction which the Gram Panchayat has obtained against some other person(s).

The aggrieved petitioners have approached this Court.

As the facts speak for themselves, there is a factual dispute with regard to (i) the identity of the land which petitioner No.1 agreed to give to the Gram Panchayat, (ii) the land which Gram Panchayat agreed to give to petitioner No.1 in exchange, (iii) Whether the Gram Panchayat has utilised the land given by petitioner No.1 (fully or partially)?, (iv) If so, how petitioner No.1 can be deprived of the Gram Panchayat's land to the extent his land has been utilised by the Gram Panchayat?

With a view to remove any sort of uncertainty, it is directed that if the exchange has not been approved, then petitioner No.1 is entitled to take back his land from the Gram Panchayat while the land of the Gram Panchayat must revert back to it. Such an exercise has to be undertaken under the supervision of a responsible officer of the District Administration, Kapurthala.

We thus, dispose of this writ petition with a direction to the Deputy Commissioner, Kapurthala and DDPO, Kapurthala to constitute a team headed by BDPO, Dhilwan, District Kapurthala who shall ensure that the land of petitioner No.1 is restored to him and that of the Gram Panchayat in favour of the Gram Panchayat. If any part of

the land of petitioner No.1 has been utilized by the Gram Panchayat, either the possession of the Gram Panchayat shall be removed from such land or petitioner No.1 shall be given equivalent land out of the Gram Panchayat's land as per the above-mentioned resolutions. Such an exercise must be completed within a period of three months from the date of receipt of certified copy of this order. Till then, status quo *re*: dispossession shall be maintained.

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 26, 2016

mahavir