

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

**CM-646-CWP-2016 in/and
CWP No.25221 of 2015 (O&M)
Date of Decision: 19.01.2016**

Desh Raj & Anr.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Neeraj Gupta, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are residents of village Ullawas, Block Sohna, District Gurgaon. They are aggrieved by the resolution of the Gram Panchayat of their village dated 03.12.2013 (P2) which has been approved by the State Government on 19.08.2014 (P3) regarding exchange of the Gram Panchayat land with that of the private builders – respondents No.4 to 9. The consequential exchange deed dated 16.09.2014 (P4) is also under challenge.

(2) Notwithstanding the fact that despite repeated opportunities, the petitioners have failed to produce the site plan depicting the location of both the parcels of land vis-à-vis the developed area of Gurgaon so as to enable this Court to have a fair comparison of the value of two parcels of land, we are of the considered view that the allegation of favouritism statedly shown by the Gram Panchayat towards the private builders in the exchange of land can be gone into only after a fact-finding probe is

made by the State Government and if it is found in such enquiry that the factors, other than the paramount interest of the habitants of the village, had actuated the Gram Panchayat to consent for exchange. The resolution, the competent authority can always take the consequential remedial measures as well.

(3) We thus dispose of the writ petition without expressing any views on merits with a direction to the first respondent to treat this writ petition as a representation on behalf of the residents of the village; hold a fact-finding enquiry, if need be, and dispose of the same in accordance with law by passing a reasoned order. However, no order prejudicial to the interest of the private respondents shall be passed without giving opportunity of hearing to them.

(4) The application as well as the writ petition stand disposed of accordingly.

(Surya Kant)
Judge

19.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge