

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.42 of 2016 (O&M)
Date of Decision: 07.01.2016

Gurbaj Singh & Ors.

... Petitioners

VS.

FC&PS Haryana & Ors.

... Respondents

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

Present: Mr. BPS Virk, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) Notice of motion. Ms. Kirti Singh, DAG Haryana accepts notice on behalf of respondents No.1 to 5. Since no order prejudicial to the interest of respondent No.6 is being passed, it is not necessary to call upon that respondent. Similarly, no reply is required from other respondents at this stage.

(2) The petitioners are residents of village Pipaltha, Tehsil Narwana, District Jind. Their land measuring 15 kanal described in para 2 of the writ petition, statedly adjoins the Gram Panchayat land near *abadi deh* of the village. Such Gram Panchayat land was reserved for school but it was insufficient for running the school along with playground etc. The Gram Panchayat and the residents of village are said to have impressed upon the petitioners to exchange their land with another parcel of land of Gram Panchayat which is statedly 3km away. As against 15K-10M land of the petitioners, the Gram Panchayat offered them 31 kanal land in exchange. The petitioners acceded to the

offer; resolution was passed by Gram Panchayat and it was forwarded to the Deputy Commissioner, Jind for onward transmission to the State Government for according necessary approval. It further appears that the Deputy Commissioner raised certain objections with regard to the value of both parcels of land and a report to this effect was obtained through the Revenue authorities. According to the petitioners, the Revenue authorities have reported that land given by the petitioners to the Gram Panchayat is more valuable as compared to the Gram Panchayat land hence there is a justification for the Gram Panchayat to give 31 kanal land in lieu of 15K-10M land of the petitioner. Be that as it may, no final decision has been taken so far by the competent authority to approve or disapprove the aforesaid exchange. The petitioner's short grievance is that the Gram Panchayat has already utilized their land for the school but in the absence of necessary approval, they are unable to assert title *qua* the Gram Panchayat land given to them for the purpose of taking loan etc. and that there is uncertainty with regard to perfection of their title.

(3) Having heard learned counsel for the parties and after going through the record, though it is not expedient for this Court to express any views with regard to the comparative value of two parcels of land but keeping in view the valuation report said to have been submitted by Revenue authorities, it would be in the

interest of all concerned that the State Government takes a final decision in the matter in accordance with law.

(4) The writ petition is accordingly disposed of with a direction to the State Government to take an appropriate decision within four months from the date of receipt of a certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

07.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge