

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4593 of 2016 (O&M)

Date of Decision: 10.03.2016

Gram Panchayat Udaykaran

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Vishal Mittal, Advocate for the petitioner

Mr. Hanspal Virk, AAG Punjab

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. Hanspal Virk, AAG Punjab accepts notice on behalf of the respondents. In view of the nature of order which we propose to pass, there is no necessity to call upon the respondents to file their reply/affidavit at this stage.

(2) In this petition with unusual nature of relief, the Gram Panchayat has laid challenge to its own resolution passed way back on 22.01.1998 whereby it transferred its land measuring 12 acre 2 kanal to the State Government though with a wishful thinking that the Government had agreed to construct a hospital in the village which would be beneficial for its residents. Pursuant to that resolution, the land was transferred in the name of the Punjab Government through Deputy Commissioner, Muktsar on 03/05.02.1998 (P3).

(3) Neither the State Government constructed any hospital in the village nor the petitioner-Gram Panchayat took any step to compel the authorities to honour their commitment. It appears that the State Government has further transferred the aforesaid land to some State

agency who is allegedly exploiting the same for commercial gains. It is at this juncture that the Gram Panchayat through its new Sarpanch has come forward to challenge its own decision.

(4) In our considered view, the writ petition is wholly misconceived and misdirected. The Gram Panchayat resolution of 1998 which has attained finality resulting into transfer of title of land from Gram Panchayat to the State Government cannot be reversed at this stage, on the plea that no compensation was paid.

(5) However, the expectation of the residents of the village to have a Govt.hospital in their village is totally justified and calls for immediate attention of the authorities. We thus dispose of the writ petition with a direction to the Principal Secretaries of the (i) Department of Rural Development and Panchayat; and (ii) Health Department, Government of Punjab, to hold a meeting and if it is found that the genesis of the transfer of Gram Panchayat land was the commitment to construct a Govt. hospital in the village, let an appropriate action to honor such commitment be taken at the earliest and preferably within a period of four months from the date of receipt of a certified copy of this order.

(6) Ordered accordingly.

(Surya Kant)
Judge

10.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge