

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5100 of 2016 (O&M)

Date of Decision: 17.03.2016

Sat Dev Singh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Parveen Kumar Saini, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) Notice of motion to respondent Nos.1 & 2 only at this stage.

On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

(2) Let two copies of the writ petition be supplied to the State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

(3) In view of the nature of order which we propose to pass, it is not necessary at this stage to seek any counter-reply from respondent Nos.1 & 2 or to serve respondent No.3 as no order prejudicial to their interest is being passed.

(4) The petitioners seek a restraint order against the Gram Panchayat of their village Gashpur, PO Radaur, District Yamuna Nagar from changing the nature of land reserved for the common purpose of *Charand*. Reliance is placed on a decision of this Court

dated 07.07.2011 in **CWP No.13652 of 2009 (Baljinder Singh and others versus State of Haryana and others)** (P1).

(5) The petitioners in this regard are said to have submitted objections under Section 5B(2) of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable in the State of Haryana (Annexure P-5).

(6) Having heard learned counsel for the parties and considering the nature of relief sought, we dispose of this writ petition without expressing any views on merit, with a direction to the Principal Secretary to the Government of Haryana, Department of Panchayats as well as the Deputy Commissioner, Yamuna Nagar, to consider and take an appropriate decision on the objections referred to above, said to have been submitted by the petitioners by passing a speaking order in accordance with law preferably within a period of four months from the date of receiving a certified copy of this order.

(7) It is further directed that any change of use of *Gau Charand* land shall be subject to Utilization Plan to be prepared by the Gram Panchayat and approved by the Deputy Commissioner/State Government, as the case may be.

(8) Ordered accordingly.

(Surya Kant)
Judge

17.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge