

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5294 of 2016 (O&M)

Date of Decision: 21.03.2016

Dilbag Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Kulwinder Singh, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners belong to Scheduled Caste Community and are residents of village Salamatpur, Tehsil and District SAS Nagar, Mohali. They seek a mandamus to direct the respondents to intervene and instruct the Gram Panchayat of their village to lease out 1/3rd of its land measuring 344 kanals by way of auction to the members of Scheduled Caste community of the village in accordance with provisions contained in Punjab Village Common Lands (Regulation) Rules, 1964 read with Section 5 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act'). It is averred that there is Shamlat Deh land measuring 344 kanals which vests in the Gram Panchayat and the title of the Gram Panchayat qua that land has been upheld by this Court vide judgment dated 01.02.2012 passed in **CWP No.18272 of 1998** titled **Gram Panchayat Salamatpur Versus The Director Consolidation and others** (P-6). It is further averred that the

entire chunk of land is lying unutilized due to which the Gram Panchayat has not been able to augment its resources.

(2) The petitioners have raised the above stated issue vide legal notice dated 02.11.2015 also.

(3) In these circumstances, when the petitioners have staked their claim on the strength of Statutory Rules formulated under the 1961 Act, we dispose of this writ petition with a direction to the respondents including the Deputy Commissioner, SAS Nagar, Mohali to call for the records; ascertain the correct facts and issue appropriate directions to the Gram Panchayat to act in the matter in accordance with the above cited Rules. The needful shall be done within two months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

21.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge