

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.792 of 2016

Date of Decision:-15.01.2016.

Malkit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Davinder Kaushal, 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 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 01.2.2012 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 2.11.2015 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**

**(P.B. BAJANTHRI)
JUDGE**

January 15, 2016.

sandeep sethi