

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.9142 of 2016

Date of Decision: May 11, 2016

Gram Panchayat of village Bodhni

....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr. Baldev Singh Dhillon, Advocate, for the petitioner.

Ms.Kirti Singh, Deputy Advocate General, Haryana.

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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?

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only at this stage.

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

Let five copies of the writ petition be supplied to learned 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.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 5. Since we are not passing any order on merits which might be prejudicial to the interest of private-

respondent Nos.6 to 28, we do not deem it necessary to call upon them and bear the avoidable litigation expenses.

The Gram Panchayat of village Bodhni, Tehsil Pehowa, District Kurukshetra has approached this Court through its newly elected Sarpanch who has come forward against the previous Sarpanch-respondent No.6 alleging that he had transferred the Gram Panchayat land in favour of private-respondents without any authority of law. Certain entries are said to have been made in the revenue record in favour of private-respondents. There are some complaints made against the then Sarpanch which have been enquired into by the Chief Minister's Flying Squad and in the report, some irregularities and illegalities allegedly committed by the then Sarpanch have been detected. It is in this backdrop that the petitioner-Gram Panchayat seeks annulment of the alleged illegal action of the then Sarpanch regarding misappropriation of the Gram Panchayat property/land.

As the facts would speak for themselves, the issue raised by the petitioner-Gram Panchayat is essentially a question of fact but is of paramount importance. It is not necessary for this Court to travel into such disputed issues as the same can be effectively determined by the District Administration. We thus dispose of this writ petition without expressing any views on the merits of the allegations, with a direction to the Deputy Commissioner, Kurukshetra, to depute an Officer preferably in the rank of DDPO to hold a fact-finding enquiry and take necessary remedial action as may be required in accordance with law and principles of natural justice, preferably within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 11, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE