

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9481 of 2016

Date of decision: May 16, 2016.

Mehar Singh and others

... **Petitioners**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Ranjit Saini, Advocate, for the petitioners.

Shri Munish Jolly, Advocate for caveator-respondent No.3.

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

Surya Kant, J. (Oral):

Petitioners are residents of village Behlolpur, Tehsil and District Mohali. They are statedly the proprietors of village Behlolpur (Hadbast No.23) as well as village Sinhpur (Hadbast No.176). They have filed a declaratory petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 against the Gram Panchayat of the village claiming that the land in dispute, which was mutated in favour of the Gram Panchayat vide mutation No.1296 dated 26.3.1955, is actually owned by the proprietors and it does not vest in the Gram Panchayat. The aforesaid dispute is sub judice in the court of the Collector.

In the meanwhile, the Gram Panchayat has passed a resolution

which has been approved by the competent authority, to sell about 35 acres land to the Greater Mohali Area Development Authority (GMADA) at the rate of Rs.1.5 crore per acre for setting up a Water Treatment Plant.

It needs special mention here that the above mentioned land falls within the municipal area of Mohali which is a satellite town of Chandigarh and drinking water is truly an essential service, urgently required for the residents of Mohali area.

The petitioners' grievance is that the market value of the land is not less than Rs.3.00 crore per acre and if the land is allowed to be sold when the title dispute is still pending, they are likely to suffer irreparable loss and injury.

We have heard Learned Counsel for the parties, as the Gram Panchayat has entered caveat, and have gone through the records.

In our considered view, right of the petitioners can be adequately protected with a direction that in case their title claim is accepted by the court of competent jurisdiction, in that event, they shall be entitled to raise their claim against GMADA for payment of the alleged actual market value of the land as it prevails on the date of execution of the sale deed.

As regards the remaining land, the Gram Panchayat shall prepare an appropriate utilization plan and shall not change the nature of the land without prior approval of the utilization plan and/or of the competent authority.

Utilization of the sale consideration by the Gram Panchayat shall also be at its own risk and responsibility and without prejudice to the title claim pending before the Collector.

The writ petition stands disposed of accordingly.

[**Surya Kant**]
Judge

May 16, 2016.
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[**A.B. Chaudhari**]
Judge