

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.996 of 2016

Date of Decision:-19.01.2016.

Kans Kaur

.....Petitioner

Versus

The State of Haryana 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. Jagdish Manchanda, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

Notice of motion to respondent Nos.1 to 4 only. On our asking, Ms. Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

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

Since no order prejudicial to the interest of respondent No.5-Gram Panchayat is being passed on merits, we do not deem it necessary to call upon it at this stage.

The petitioner claims that the Gram Panchayat of her village, namely, respondent No.5 has illegally proposed to carve out and allot plots measuring 100 square yards to the persons of 'Economically Weaker Sections', out of the land which is meant for allotment to the petitioner under "Grow More Food Scheme". It is claimed that the petitioner applied

for the renewal/grant of lease for 99 years in respect of the subject land under Rule 6A of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to Haryana (hereinafter referred to as '1964 Rules') and this Court in a bunch of writ petitions vide order dated 28.10.2014 passed in CWP No.4927 of 2010 **(Satpal Singh and another versus State of Haryana and others)** has directed the Competent Authority to take a final decision in respect of the above-mentioned claim of the petitioner and other similarly placed persons. It is thus, contended that without awaiting for the final outcome of those directions, the Gram Panchayat has meanwhile proposed to allot 100 square yard plots thereby threatening dispossession of the petitioner.

Having heard learned counsel for the petitioner and considering the documents placed on record but without expressing any views on the merits of alleged entitlement to seek lease of the subject land, the instant writ petition is disposed of with a direction that let the claim of the petitioner in terms of the notification dated 13.12.2013 whereby Rule 6A was inserted in the 1964 Rules, be decided on merits within three months. Meanwhile, it is directed that the decision, if any, to carve-out plots etc. shall be subject to final outcome of the decision to be taken by the State Government.

Ordered accordingly.

Dasti.

**(SURYA KANT)
JUDGE**

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

January 19, 2016.

sandeep sethi