

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP-2311-2016 (O & M)
Date of decision: 05.04.2017**

Ashok Kumar

.... Petitioner

V/s

Vinay Kumar and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ved Parkash, Advocate, for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

Rajan Gupta, J. (Oral)

Petitioner alleges violation of order passed by the writ court in CWP-5545-2016. Detailed affidavit has been filed on behalf of the State. Learned State counsel has referred to Para 07 thereof, which reads as under:-

“That it is also pertinent to mention here that CWP No.5545 of 2016 was filed in the Hon’ble High Court by three petitioners-Ashok Kumar S/o Shri Sant Lal, Ramkishan S/o Shri Girdhari and Surta S/o Chotu Ram. As per enquiry report of Sub Divisional Officer(C), Safidon, the claim of the petitioner No.1, Ashok Kumar S/o Shri Sant Lal was not found justified as he is not residing in the village Ratta Khera for last 20 years. The petitioner No.1 has no ration card and voter card in the village. Hence, the petitioner was found to be not eligible for allotment of plot and his claim was not found to be genuine by the committee. The claim of petitioner No.2, Ram Kishan S/o Shri Girdhari, has also been rejected by the committee as he has been allotted 5 Marla plots in Khasra No.359. Claim of petitioner No.3, Surta S/o Shri Chotu was found justified and he was found eligible. Accordingly action has been taken and

Gram Panchayat, Ratta Khera has passed resolution No.3 dated 04.11.2016 for executing of gift deed in favour of eligible persons in Khasra No.37/25 and 217. The same is attached as Annexure R-5. The Sarpanch, Gram Panchayat, Ratta Khera has communicated to Block Development and Panchayat Officer, Safidon that she has given birth to a baby and she will come to Tehsil for executing of gift deed on 25.11.2016. It is also submitted for kind consideration of Hon'ble High Court that the land which the Gram Panchayat is providing as alternate site for providing plots to eligible persons has been given on lease for agriculture purpose. The term of lease will expire on 30.04.2017. Thus the panchayat will be in a position to deliver the physical possession to the eligible persons after the expiry of the lease period, otherwise there is likelihood of multiplicity of litigation."

It is evident that claim of all the three petitioners who approached this court by way of writ petition has been considered by the concerned authority. One of them was found eligible and was allotted a plot. The case of rest both of them has been rejected on the grounds aforementioned.

In view of the above, no cause of action survives in this petition. Same is hereby dismissed.

Rule is discharged.

April 05, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No