

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

CWP No. 1343 of 2011 (O&M)
Date of decision: 9.3.2017

Ramesh Kumar and others

.. Petitioners

v.

State of Haryana and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Mahavir Sandhu, Advocate and
Mr. H.N. Sahu, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Mr. Gagandeep Singh, Advocate for
Ms. Ritam Aggarwal, Advocate, for respondent No.4
in CWP No.1343 of 2011.

Mr. Sheetal Vaishnav, Advocate for
Mr. S.S. Dalal, Advocate, for respondent No.5
in CWP No.15695 of 2010.

Rajesh Bindal, J.

This order will dispose of a bunch of petitions bearing CWP Nos.15695, 17008, 19901 of 2010, 1180, 1343, 1403, 3675, 6068, 6122, 6129, 8029 of 2011 and 4659 of 2014, as common questions of law and facts are involved therein. However, facts have been taken from CWP No.1343 of 2011.

Status report by way of affidavit of Smt. Navraj Sandhu, Additional Chief Secretary to Government of Haryana, Development and Panchayats, Department dated 8.3.2017 filed in Court in CWP No.1343 of

2011 is taken on record.

Learned counsel for the petitioners made two fold prayer in the present petition:-

1. Seeking quashing of policy dated 1.2.2008 issued by the Government providing allotment of 100 square yards residential plots to the families of scheduled caste category and the families of below poverty line.
2. Quashing of resolution No.1 dated 5.3.2008 passed by the Gram Panchayat proposing to allot plots to the families of scheduled caste and the persons belonging to the families of weaker sections of the society.

At the time of arguments, learned counsel for the petitioners fairly submitted that he has not challenged the policy dated 1.2.2008, as it is framed by the Government and the petitioners as such are not aggrieved against that. Resolution dated 5.3.2008 of the Gram Panchayat is sought to be challenged on the ground that though the policy provides for allotment of plots from the Shamlat land and where that kind of land is not available, the State is to provide land by way of acquisition. In the case in hand, the land is Shamlat Patti, in which the petitioners are the co-owners. Hence, their land cannot be used for the purpose of allotment of plots as per the policy. It was not disputed that against any resolution passed by the Gram Panchayat, if any person is aggrieved of, he can avail of the remedies as provided under Section 47 of the Haryana Panchayati Raj Act, 1994 (for short 'the Act').

After hearing learned counsel for the petitioners and finding that the policy being not impugned and the issue raised by the petitioners is

factual in nature, as the nature of the land is sought to be disputed for allotment of plots to the families of scheduled caste and the families of weaker sections of the society and there being effective alternative remedy in terms of the Section 47 of the Act available, the petitioners are relegated to avail of that.

The petitions stand disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

9.3.2017
sharmila

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No