

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10996-2014

Date of Decision: December 07, 2017

Bhajan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.G.S.Punia, Sr.Advocate with
Ms.Harveen Kaur, Advocate for the petitioners.
Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.
Mr.Jatinder Singla, Advocate for respondent No.6.
Mr.G.S.Nagra, Advocate for respondent No.7.

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SURYA KANT, J.

This writ petition is at the instance of five residents of village Dewatwal, Tehsil and District Ludhiana. Some other residents are also stated to have passed the resolution to support the cause taken up by the petitioners. Their grievance in the instant writ petition is against the resolution passed by the Gram Panchayat of their village dated 29.06.2012, which has been duly approved by the State Government whereby Gram Panchayat land has been exchanged with the land of respondent No.7, who is a private Builder-cum-Developer. Though it is not in dispute that both parcels of land are of equal size, the petitioners seriously contend that the Gram Panchayat land given to the private builder is more valuable than the land the builder has given to the Gram Panchayat. Such an allegation is

Developer, who submits that, in fact, the Gram Panchayat land was not one compact piece of land and rather it comprised scattered piece of land consisting of water courses and public passage etc. and the subject exchange is rather for the benefit of the Gram Panchayat.

[2] It may, thus, be seen that the issues raised in the instant writ petition are disputed questions of facts and regardless of the report sought by this Court through a Local Commissioner, it may not be expedient for this Court to express any views on the merits of the claim and counter-claims. Suffice it would be to say that the issues raised by the parties are essentially of administrative in nature which can be effectively gone into by the Executive after affording opportunity of being heard to the parties concerned.

[3] The writ petition is, thus, disposed of with a direction to the Principal Secretary, Government of Punjab, Department of Rural Development and Panchayat, to call for the records; hear the representatives of the petitioners-Gram Panchayat and the Builder-cum-Developer and take a fresh decision as to whether or not the subject exchange sub-serves the cause of Gram Panchayat.

[4] Let an appropriate decision be taken within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

December 07, 2017
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(SUDHIR MITTAL)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No