

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 11974 of 2015 (O&M)  
Date of decision: 17.4.2017

**Ram Kumar**

**.. Petitioner**

**v.**

**The State of Haryana and others**

**.. Respondents**

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

Present: Mr. Vikram Singh, Advocate for the petitioner.  
Mr. Ankur Mittal, Addl. Advocate General, Haryana.  
Mr. R. K. Agnihotri, Advocate for respondent No. 3.

Rajesh Bindal J.

Challenge in the present petition is to the order dated 17.2.2014 (Annexure P-9), passed by respondent No. 2, vide which the request made by the petitioner for allotment of five marlas of land to him, on which he had allegedly constructed a house in the year 1980, was rejected.

The petitioner had earlier filed CWP No. 12824 of 2012 challenging the order dated 23.6.2011 rejecting his prayer for purchase of that portion of land. In that petition, while quashing the order, direction was issued for consideration of his claim. Now the claim has been rejected while recording a finding that khasra number, on the part of which the petitioner has allegedly constructed the house is, in fact, village pond as per the revenue record.

The aforesaid fact, as such, is not disputed, however, learned counsel for the petitioner submitted that some other residents of the village

have also constructed houses on the land recorded as village pond in the

revenue record.

Hon'ble the Supreme Court in Hinch Lal Tiwari v. Kamala Devi and others, (2001) 6 SCC 496; Jagpal Singh and others v. State of Punjab and others, (2011) 3 SCC (Civil) 694 and Meghwal Samaj Shiksha Samiti v. Lakh Singh and others, (2011) 11 SCC 800 and this court following the aforesaid judgments in CWP No. 3221 of 2011—Rajpal and another v. State of Haryana and others, decided on 22.11.2012 deprecated allotment of plots or land, which is recorded as village pond in the revenue record. In Jagpal Singh and others' case (supra), directions were given to all the State Governments to prepare schemes for eviction of illegal/ unauthorized occupants of Gram Panchayat/shamlat land and for restoration thereof for common use of villagers. It was observed therein that areas were earmarked for water bodies in village for use by the cattles and to work as traditional rain water harvesting methods. In case residents of the village are allowed to construct houses thereon, the whole object will be defeated.

For the reasons mentioned above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)  
Judge

(Harinder Singh Sidhu)  
Judge

17.4.2017  
mk

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

