

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12197 of 2016 (O&M)

Date of Decision: 26.09.2017

Gram Panchayat Roorgarh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. BS Sidhu, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

Mr. AP Kaushal, Advocate for respondents No.5&6

SURYA KANT, J. (Oral)

(1) The Gram Panchayat of Village Roorgarh, Block Sherpur, Tehsil Dhoori, District Sangrur has filed the instant writ petition seeking a *writ of prohibition* to restrain the official respondents from constructing the public passage/path in a private land. The Gram Panchayat has alleged that the Executive Engineer, Panchayati Raj, Sangrur is hell-bent to construct the *Pahi* (path) on private land even though Government has sanctioned the budget for construction of the public passage identified by the petitioner-Gram Panchayat. It is further alleged that the sanctioned path is not being constructed so as to extend undue benefit to the affluent persons by constructing private path for them.

(2) The official respondents have denied the allegations, as according to them, the passage constructed at the site was duly sanctioned at the time of Consolidation.

(3) We have heard learned counsel for the parties.

(4) As the writ petition raises disputed factual issues which, of course,

petition with a direction to the Deputy Commissioner, Sangrur to constitute a team comprising (i) DDPO, Sangrur; (ii) BDPO, Sherpur; (iii) Tehsildar, Dhoori; and (iv) Executive Engineer, Panchayati Raj, Sangrur to verify and determine the location of public passage and if it is found that the said public passage has not been made *pucca* so far, the Executive Engineer, Panchayati Raj will do the needful in a time bound manner.

(5) Let the entire exercise be completed within three months from the date of receipt of certified copy of this order.

(6) Ordered accordingly.

(Surya Kant)
Judge

26.09.2017
vishal shonkar

(Sudhir Mittal)
Judge

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

Yes
No