

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13369 of 2017.

Date of Decision: July 03, 2017

Bhagwan Dass and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ajay Kamboj, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of village Rajpura Majra, Tehsil Dabwali, District Sirsa. They wanted exchange of their land with that of the Gram Panchayat of village Abub Shahar, Tehsil Dabwali, District Sirsa. A resolution was passed by the Gram Panchayat accepting the request of the petitioners and offering its land in lieu of the land to be given by the petitioners to the Gram Panchayat. The resolution was duly recommended by the DDPO etc. but the Deputy Commissioner, Sirsa vide the impugned communication dated 08.11.2016 (P-5) has declined to approve the same observing that it does not fulfill the parameters laid down by the Hon'ble Supreme Court in Civil Appeal No.1132 of 2011 as well as by this Court in case Ram Chander alias Chander vs. State of Haryana (CWP No.10697 of 2014).

Learned counsel for the petitioners submits that the Deputy Commissioner is not the Competent Authority to take decision on the question of exchange of Gram Panchayat land as such powers vest in the Director, Panchayats.

petitioners to challenge the order passed by the Deputy Commissioner, Sirsa, before respondent No.2, namely, the Director, Panchayats, Haryana, who shall consider and decide the same after summoning the records and in accordance with law/Government policy. It shall be appreciated if the decision is taken within a period of four months from the date of submission of the claim.

Ordered accordingly.

[SURYA KANT]
JUDGE

July 03, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No