

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

**CWP No. 14565 of 2017 (O&M)
Date of decision: 18.07.2017.**

Gram Panchayat Kherki Brahmnan Petitioner.

Versus

Haryana State Human Rights Commission and others Respondents.

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Longia, Advocate, for the petitioner.

S.S. Saron, J.

The petitioner - Gram Panchayat Kherki Brahmnan by way of present petition under Articles 226/227 of the Constitution of India seeks a writ of certiorari for quashing the complaint dated 29.08.2016 (Annexure P8) made by Sahab Singh (respondent No. 5) and the order dated 17.03.2017 (Annexure P9) passed by the Haryana Human Rights Commission (respondent No. 1) as also the order dated 01.05.2017 (Annexure P10) issued by the Block Development and Panchayat Officer, Radaur, District Yamuna Nagar (respondent No. 4) alleging the same to be without jurisdiction. A further prayer has been made for restraining respondents No. 1, 3 and 4 from interfering in the civil disputes of the people with the petitioner - Panchayat being beyond their jurisdiction.

In terms of order dated 10.07.2017, a copy of the petition was ordered to be given to Mr. S.S. Pannu, Deputy Advocate General, Haryana, so as to enable him to seek instructions.

Learned State counsel, on instructions from Mr. Gagandeep Singh, District Development and Panchayat Officer, Yamuna Nagar, has submitted satellite map and site plan of the area where veterinary hospital is to be constructed in village Kherki Brahmnan, Block Radaur, District Yamuna Nagar.

The veterinary hospital in the village has been proposed to be constructed in the land comprised in Rect. No. 12, Khasra No. 19. The said land, as per 'khasra girdawari' for the years 2007-08 to 2013-14 is recorded 'gair mumkin khala' to the extent of four kanals and the remaining four kanals land is recorded as under cultivation. However, in the 'khasra girdawari' for the year 2015-16, land measuring two kanals is recorded as 'gair mumkin khala' and the remaining six kanals land is recorded as under cultivation. The matter was raised by one Sahab Singh (respondent No. 5) before the Haryana Human Rights Commission (respondent No. 1), which has passed an order dated 17.03.2017 (Annexure P9). The said order records that the Block and Development Officer, Radaur had stated that the plot in question was not proper for the construction of a veterinary hospital.

The Haryana Human Rights Commission, keeping in view the report of the Additional Deputy Commissioner, Yamuna Nagar, directed the Deputy Commissioner, Yamuna Nagar to allot a suitable plot for the construction of a veterinary hospital and compliance report in this regard was to be submitted to the Commission on or before the next date of hearing, which is 20.07.2017.

Learned counsel for the petitioner submits that the Haryana Human Rights Commission (respondent No. 1) has no business to deal with

the issue of construction of the veterinary hospital and it is concerned only with the human rights of persons. Strong reliance is placed on the case of Jatt Ram v. Punjab State Human Rights Commission, 2005 (3) RCR (Civil) 315 (DB) (P&H).

Be that as it may, learned State counsel, on instructions from Mr. Gagandeep Singh, District Development and Panchayat Officer, Yamuna Nagar, has submitted that six kanals of land is required for the construction of a veterinary hospital and it has been proposed that the land be made available not only from Khasra No. 19 of Rect. No. 12 but also from Khasra Nos. 12 and 22 of Rect. No. 12.

It is accepted that there is a watercourse in the said land; however, the watercourse it has been undertaken would not be disturbed for the construction of a veterinary hospital.

In view of the statement made by the learned State Counsel on instructions from Mr. Gagandeep Singh, District Development and Panchayat Officer, Yamuna Nagar, learned counsel for the petitioner, on instructions from Mr. Jasbir Singh, Sarpanch, Gram Panchayat Kherki Brahmnan, who is present in Court, submits that he may be allowed to withdraw the petition at this stage.

Dismissed as withdrawn.

(S.S. SARON)
JUDGE

(AVNEESH JHINGAN)
JUDGE

18.07.2017
Ramesh

Note: 1. Whether reasoned/speaking : Yes
2. Whether reportable : No