

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

**C.W.P. No.16689 of 2017
Date of Decision:31.07.2017**

Gram Panchayat Ghanauri Kalan Petitioner

Vs.

State of Punjab and othes Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed by the Gram Panchayat assailing the order passed by respondent No.1 dated 14.02.2017 whereby order passed by respondent No.2 on 06.12.2014 has been set aside and the resolution dated 10.09.2012 has been ordered to be restored in favour of respondent No.6.

Counsel for the petitioner has submitted that the Gram Panchayat passed two resolutions i.e. on 12.03.2009 and 10.09.2012, one resolution was passed for giving a particular piece of land to Namdhari Martyrs Memorial and the other resolution was passed in favour of the Muslim Community for the purpose of construction of Dharamsala by them. Both the resolutions were set aside by the Director, Rural Development & Panchayat, Punjab under Section 199(1) of the Punjab Panchayati Raj Act, 1994. Meaning thereby, the land which was proposed to be given by the petitioner to both the organisations was to be retained by the Panchayat itself. However, one of the organisation, namely, respondent No.6 challenged the order dated 6.12.2014 passed by the Director Rural Development & Panchayat in order to protect the resolution passed in its

favour on 10.09.2012. The said appeal was allowed and the resolution dated 10.09.2012 passed in favour of respondent No.6 was maintained and restored. Interestingly, this petition has been filed by the Gram Panchayat only apprehending that since one resolution has been upheld, therefore, the other organization may not raise a hue and cry. However, it is also not in dispute that when both the resolutions were set aside by the Director, Rural Development & Panchayat, it was only respondent No.6- Society who had gone in appeal to protect its rights and the resolution passed in its favour was restored. The other organisation did not opt for protecting its rights by filing appeal against the order of the Director, Rural Development & Panchayat who had set aside the resolution dated 12.03.2009, therefore, Panchayat is not to be blamed on this account.

With these observations, the present petition is hereby dismissed.

July 31, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No