

CWP No.17263 of 2017

[1]

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

**CWP No.17263 of 2017
Date of decision:04.08.2017**

Gram Panchayat Saholi

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jitender Singh Dadwal, Advocate,
for the petitioner.

Mr. S.S.Salar, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J.

The petitioner-Gram Panchayat Saholi has challenged the order dated 11.03.2016 passed by respondent no.2 and the order dated 07.02.2017 passed by respondent no.1, by which their application for setting aside the resolution no.3 dated 03.11.2006 has been dismissed.

In short, the petitioner-Gram Panchayat passed resolution no.3 dated 03.11.2006 (Annexure P-2) to construct the road/passage. Thereafter, the petitioner-Gram Panchayat passed another resolution dated 21.10.2015 (Annexure P-3) in order to cancel the earlier resolution no.3 dated 03.11.2006 and in order to seek approval of the aforesaid cancellation, filed an application to the competent authority i.e. respondentno.2. The case submitted by the petitioner is that a small piece of land falling in Khasra No.638, recorded as "Gada" in the revenue record, could not have been converted into a passage to

link the private passage of respondent no.4 leading to his LPG godown with the village road. It is submitted that there is resentment in the village about this conversion and, therefore, the resolution dated 21.10.2015 was passed but it has not been accepted by the authorities under the statute.

Although notice in this petition was not issued but Shri S.S.Salar, Advocate, who is watching the proceedings on behalf of respondent no.4, has been allowed to intervene, who has submitted that there has been no objection by the villagers regarding construction of the godown and now conversion of only a small piece of land falling in Khasra No.638, which connects the village rasta with the private rasta of respondent no.4, is being opposed due to party faction in the village.

I have heard learned counsel for the parties and examined the available record.

Respondent no.2 rejected the application of the petitioner-Gram Panchayat after taking into account the fact that the land falling in Khasra No.638 (0-2), which connects the village rasta with the private rasta of respondent no.4, leading to his LPG godown, was constructed by the Panchayat itself. It has also been found that the construction of this passage has benefitted the residents and general public for transporting the LPG gas cylinders from the godown and that No Objection Certificate was also issued by the present Sarpanch of the Gram Panchayat, namely, Balbir Kaur. It was also observed that the agitation, being made after expiry of about 9 years, is not justified.

The appeal filed against the order of respondent no.2 is also dismissed by the Financial Commissioner, i.e. respondent no.1.

From perusal of the record and respective contentions of both the parties, I do not find any cause for interference in this petition and hence, the same is hereby dismissed being denuded of any merit, though without any order as to costs.

August 04, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No