

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24096 of 2014 (O&M)
Date of decision: 08.02.2017.

Mohinder Pal

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Anil Kumar Rana, Advocate, for
Mr. Lokesh Sinhal, Advocate, for the petitioner.

Mr. Vinod S. Bhardwaj, Additional Advocate General, Punjab,
for respondents No. 1 to 7.

Mr. Brijeshwar Singh Kanwar, Advocate,
for respondent No. 8 - Union of India.

S.S. SARON, J.

The petitioner - Mohinder Pal seeks directions for directing the respondents not to interfere in the legal rights of the villagers of village Majrian, Hadbast No. 343, which are protected under property rights of persons by Article 300A of the Constitution of India and further directions be issued to the respondents to comply with the order dated 21.05.2014 passed by the Supreme Court in B.S. Sandhu v. Government of India, (2014) 12 SCC 172, which has further been clarified by this Court in the case of Gram Panchayat, Bari Karoran v. State of Punjab and others, CWP No. 22756 of 2013, decided on 28.05.2014.

Further prayer has been made by the petitioner for directing the Secretary, Government of Punjab, Public Works Department and the Deputy Commissioner, District SAS Nagar, Mohali (respondents No. 6 and 7) to

metal the portion of left out roads between (i) road joining village Khol Fatehsinghwala (Haryana border) separated from road village Kasoli to Karondewal (the approximate length of 'kacha' path being one kilometre which further leads to T-junction Pinjore to Baddi; (ii) road between village Karondewal and village Kona, Haryana border (the approximate length of the 'kacha' path being about 1½ kilometres) which further leads to T-junction Pinjore to Baddi; (iii) to construct the bridge and metal the road approaching from village Kasoli to village Bagindi; (iv) village Parol to village Khol Fatehsingh where the famous 'Kali Mata Mandir' is located (approximate length of which is 3.5 kilometres); (v) from village Patti Gura to village Choti Badi Nangal where famous 'Mata Asa Devi Mandir' is located (approximate length of which is 2 kilometres) or permit/allow the villagers to metal the road at their own expense as the land was left by 'Khewatdars' (owners) from their own land at the time of consolidation. A further prayer has been made for directing the Deputy Commissioner, District SAS Nagar, Mohali (respondent No. 7) to provide basic amenities to the residents of village Majrian by developing the area within their jurisdiction and also to make the area habitable with all basic amenities of road, sewerage, electricity etc. and directions be issued to the Forest Department to remove the restrictions, regulations and prohibitions illegally imposed by them. It is further prayed that a direction be issued to the Forest Department not to interfere in the land owned by the 'Khewatdars' which is not the property of the Forest Department in compliance with the orders passed by the Supreme Court.

The effect of the decisions in B.S. Sandhu's case (supra) and Gram Panchayat, Bari Karoran's case (supra) as also seeking of directions for removing regulations, restrictions and prohibitions issued by the Forest

Department has been considered in terms of the order of even date passed in Gram Panchayat Majrian v. Union of India and others, CWP No.14723 of 2015.

For the other reliefs that are claimed, the petitioner has not shown any legally enforceable statutory right and in any case he is liable to approach the concerned authorities in the first instance for the reliefs that he claims.

Therefore, for the said relief of construction of roads etc., the petitioner may first represent before the concerned authorities in accordance with law.

In respect of the compliance of the judgments in B.S. Sandhu's case (supra) and Gram Panchayat, Bari Karoran's case (supra) as also for removal of regulations, restrictions and prohibitions, the writ petition is disposed of in terms of the order of even date passed in Gram Panchayat Majrian v. Union of India and others, CWP No.14723 of 2015.

(S.S. SARON)
JUDGE

08.02.2017
Ramesh

(DARSHAN SINGH)
JUDGE

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