

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Civil Writ Petition No.19393 of 2017.
Date of Decision: August 29, 2017

Subhash Chander and othersPetitioners
versus
State of HaryanaRespondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDHIR MITTAL.**

Present: Mr.Gourave Bhayyia Gilhotra, Advocate, for the petitioners.
Mr.Kapil Bansal, Deputy Advocate General, Haryana.

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Surya Kant, J. (Oral)

On the oral prayer made by learned counsel for the petitioners,
the Deputy Commissioner, Bhiwani is ordered to be impleaded as
respondent No.2.

Registry is directed to carry out necessary correction in the
memo of parties.

Notice of motion.

On our asking, Mr.Kapil Bansal, learned Deputy Advocate
General, Haryana, accepts notice on behalf of the respondents.

Let two copies of the writ petition be supplied to him during the
course of day failing which this order shall be automatically recalled and the
writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is
not necessary to seek any counter-reply from the respondents at this stage.

The petitioners are residents of village Bhaini Thakran, Tehsil
Bavani Kheda, District Bhiwani. Their claim is that pursuant to the
directions issued by this Court on 15.09.2014 in their earlier writ petition
bearing CWP No.2178 of 2014 (P-1), the DDPO and Deputy Commissioner,

Bhiwani considered their claims for allotment of 100 square yard residential

plots under the 'Mahatma Gandhi Gramin Basti Yojna'. The Deputy Commissioner, Bhiwani vide order dated 18.03.2015 (P-2) found them eligible but till date no allotment has been made on the ground that Gram Panchayat does not own any land over which such plots can be carved out. The case of the petitioners is that two acres land is available in the village which was found on spot inspection by the Kanungo vide report dated 20.10.2016 (P-5) but despite availability of such land, the allotment is not being made.

We have heard learned counsel for the parties.

The question whether sufficient *shamlat*/Gram Panchayat land is available or not is a question of fact which can be determined by the District Administration on verification of the record. It cannot be overlooked that there are so many pressing demands like Schools, Hospitals, Play-grounds, Cremation Ground, Gau Charand etc. for which the Gram Panchayat land is required. The Gram Panchayat thus has to prepare a utilization plan earmarking the land for different common purposes. In this process if there is some land which can be utilized to allot the plots to the petitioners, needless to say that they can be accommodated. Let the Deputy Commissioner, Bhiwani, in consultation with Gram Panchayat take a final decision in this regard, on verification of record, within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

August 29, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No