

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23577 of 2017.

Date of Decision: December 13, 2017

Shri Bhagwan and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Chander Shekhar, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of village Bhurri, Tehsil Gannaur, District Sonapat. Their grievance is against the resolution dated 09.12.2016 passed by the Gram Panchayat of their village, resolving to construct Harijan and Balmiki Chopals on a piece of land which, according to the Gram Panchayat, vests in it though the petitioners claim that the said land is reserved for a specific common purpose of 'manure pits' and thus does not vest in the Gram Panchayat.

On a perusal of the impugned order dated 08.08.2017 passed by the Sub Divisional Officer (Civil), Gannaur in compliance to the directions issued by this Court earlier, it is revealed that the Gram Panchayat received special grant from State Government of Rs.5.0 lacs each for the construction of Harijan and Balmiki Chopals. As regard to the site where construction is going on, the Gram Panchayat took legal opinion from the Legal Officer (Panchayat) who opined that the land reserved for manure pit can also be utilized for this purpose. The impugned order further reveals that 90% construction work of the Chopals is already over.

We have heard learned counsel for the petitioners at a considerable length. The writ petition, besides challenging the order dated 08.08.2017, also questions the resolution dated 09.12.2016 passed by the Gram Panchayat, which is suggestive of the fact that the construction work had started more than a year back and obviously it is near completion. At this juncture even if the plea raised by the petitioners is found correct, it will neither be expedient nor desirable to direct the Gram Panchayat to dismantle the construction already raised, the photographs whereof are also on record. Still further, the land which is reserved or meant for common purposes of the village surely forms part of *shamlat* deh under Section 4 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana and such land or its management does vest in Gram Panchayat only. There is no statutory bar if the Gram Panchayat, in the interest of the village community, wants to change the nature of land reserved for common purposes and decides to utilize the land for a common purpose, other than for which the land was originally reserved after following the prescribed procedure. We thus do not find any ground to interfere with the impugned order or the resolution passed by the Gram Panchayat.

Dismissed.

[SURYA KANT]
JUDGE

December 13, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No