

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23627 of 2017.

Date of Decision: October 13, 2017

Gram Panchayat, Village Jaurasi Sarf KhasPetitioner

versus

State of Haryana and anotherRespondents

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

Present: Mr.Arun Singal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The Gram Panchayat of village Jaurasi Sarf Khas, Block Samalkha, District Panipat has laid challenge through this writ petition to the order dated 01.03.2017 whereby the State Government has refused permission for the exchange of land of village Johar (Pond) with a private land where the Gram Panchayat proposes to construct a new pond. The State Government has declined permission observing as follows:-

“...4. In view of the recommendation dated 30.12.2014 made by the Deputy Commissioner, Panipat and order dated 26.05.2016 passed in CWP No.10631 of 2016, the Deputy Commissioner, Panipat, vide this office letter dated 10.01.2017 was directed to visit the site jointly alongwith SDM, Panipat and either Additional Deputy Commissioner, Panipat or Commissioner, Municipal Corporation and give their recommendation. The Deputy Commissioner, Panipat vide his letter dated 20.01.2017, has submitted their report and recommended that the pond can be cleaned up side slops be developed and safety be ensured with installation of grills and passage etc. The overflow water may be drained out to the another pond marked in the site plan through the existing channels and

if the said pond get full then the same can be drained out in another pond marked in the site plan through installation of a pipe. The Deputy Commissioner, Panipat has recommended that it would not be appropriate to close the existing ponds by exchanging it with the land of private person in view of Hon'ble High Court order dated 22.11.2012 in CWP No.3221 of 2011.....”

It can hardly be disputed that as per the judgment of the Hon'ble Supreme Court in Jagpal Singh and others versus State of Punjab and others, 2011 (1), RCR (Civil) 912, the water body of the village needs to be well maintained and cannot be converted to a private use for the benefit of certain individuals. As regard to the problem of over-flowing and/or plantation of the pond which is now situated within the middle of the village, the petitioner-Gram Panchayat will be at liberty to approach the Authority concerned who shall immediately take up the Gram Panchayat's cause and take necessary steps in accordance with the Government Policy/departmental plan.

No case to interfere with the order under challenge is made out.
Dismissed.

[SURYA KANT]
JUDGE

October 13, 2017
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[SUDHIR MITTAL]
JUDGE

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