

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

**CWP No. 4389 of 2016
Decided on : 22.11.2017**

People's Union for Civil Liberties, Punjab, Haryana & Chandigarh

. . . Petitioner

Versus

Secretary to Government Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Mr. Ravi Kant Sharma, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

Mr. John Kumar, Advocate
for respondent No.5.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner claiming itself an organization agitating and fighting for human rights and civil liberties in India, has approached this Court under Articles 226/227 of the Constitution of India, seeking direction to the respondents to cancel the 100 sq. yard plots issued to the ineligible residents of the village and who are not covered under the Scheme dated 01.02.2008 (Annexure P-2) and allot the same to those who are living Below Poverty Line (BPL) and other poor & down trodden residents of the village and also having no house to live-in. A further prayer for issuing directions to register police case against the committee members who have allotted plots under the said scheme to ineligible persons/residents, who are rich and have huge agricultural lands, pucca houses, has also been made.

2. Upon notice of motion having been issued, written statement on behalf of respondents No.1 to 4 through Ms. Aditi, Block Development and

Panchayat Officer, Prithla-respondent No.3 was filed. In para Nos. 3 & 4 of the preliminary submissions, it has been categorically stated that the enquiry was conducted and the report was received from the Block Development and Panchayat Officer vide letter No.143, dated 17.04.2017. According to the said enquiry report, 43 applicants for allotment of 100 sq. yard plots were found ineligible and action against them has already been taken. The necessary averments made in the preliminary submissions of the written statement to that effect reads thus:-

“3. The Block Development and Panchayat Officer, Prithla was directed to conduct enquiry and submit report and the enquiry report was submitted by Block Development and Panchayat Officer vide her Letter No. 143 dated 17-4-2017. The enquiry report of the Block Development and Panchayat Officer, Prithla states that enquiry was conducted by visiting the spot and by calling all concerned. The records was perused, the complainant was not present for enquiry. As per statement of the then Panchayat Secretary namely Sh. Parveen Kumar and as per records, total 604 application forms were received at Gram Panchayat Dudhola and 171 forms were received at Block Officer Palwal. That as a matter of fact it is mentioned that vide letter No.S-1-2007/3864-84 dated 1-2-2008 from Govt. of Haryana the applications were accepted up to 31-3-2008. The committee for the scrutiny of applicatioin forms was constituted having concerned sarpanch, Patwari, Gram sacheive, Principal/head master/head teacher and numberdar of the scheduled

caste/B.C.. The scrutiny of application forms was conducted by the aforesaid committee. The village level committee found 265 persons as eligible but Panchayat executed the gift deed of 249 persons vide resolution No.1 dated 10-9-2011 and gift deed of 10 persons vide resolution No. dated 25-2-2014 and one gift deed was not executed of beneficiary Smt. Kasturi Devi wife of Rambhula due to her death one gift deed was executed in favour of Rajender son of Girraj which name was not in the list of 265 persons which was got random checked. In the year 2010 for random checking district level officers were deputed by Deputy Commissioner Palwal, during random checking total 32 persons were found ineligible which are mentioned at serial No.1 to 32 in attached list out of these 32 eligible persons gift deed of 28 persons have been executed by the Panchayat which are at serial No. 3, 5 to 13 and 15 to 32 in the list and gift deed of 4 persons at serial No. 1,2,4 and 14 in the list was not executed. After that on the basis of order passed in the above civil writ petition as Annexure-P/6 on enquiry was conducted by the Block Development and Panchayat Officer, Prithla. In the enquiry of Block Development and Panchayat Officer, Prithla, 12 such persons were found who do not fulfill the conditions laid by the Govt. other than this two more persons were allotted plots on one I.D. that in view of the above, total 14 persons were found eligible which are at serial Nos. 71, 823, 86, 129, 137, 140, 142, 152, 176, 185, 213, 216, 226 and

234 in the attached list.

4. That in view of the facts mentioned in enquiry report of Block Development and Panchayat Officer, Prithla the answering respondent No.2 has passed order dated 21-4-2017 (Annexure R/1) there by directing the Block Development and Panchayat Officer, Prithla to initiate necessary action in due course of Law to get the 43 gift deed executed in favour of non-eligible persons to get the same cancelled. The copy of order Annexure R/1 has been forwarded to all concerned including Sh. Jasram resident of village Dudhola.”

3. In view of the above, the writ petition stands disposed of as infructuous.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 22, 2017
J.Ram

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