

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

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**Civil Writ Petition No.2572 of 2017
Date of decision: February 13, 2017**

Ved Parkash and others

....Petitioners

versus

State of Haryana and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: Mr. Vikram Singh, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of mandamus restraining respondent No.4 to change the nature of the land of *Ghade Khad* which is being used by the petitioners and other residents of the village for putting cow dung etc. as he is going to construct the Harijan Chopal on the said land. Further prayer has also been made to direct the respondents to take action on the application dated 30.01.2017 (**Annexure P-3**) filed by the petitioners.

2. The petitioners are residents of village Bhurri, Tehsil Ganaur, District Sonapat and being voters and proprietors of *Thola Dolta* of the village, have vested interest in the land recorded as Mustarka Malkan Hasab Rasad Rakba Khewat Wasideh of Thola

Dolta. The land bearing Khewat No.223 min/215, Khatoni No.303, Khasra No.25//3/1 (0-13) is reserved for *Ghade Khad* i.e. the common place for putting cow dung etc. The proprietors/agriculture land holders of Thola Dolta are the owner of the same and the said land was allotted to them as per Jamabandi for the year 2011-2012. Respondent No.4 is trying to raise construction over the said land by way of changing its nature whereas he has no legal right to change the nature of the aforesaid land. The petitioners as well as other proprietors of the Thola Dolta of the village also moved an application to the Sub-Divisional Officer, Ganaur for restraining respondent No.4 not to raise any sort of construction over the suit property but no action has been taken thereon. Aggrieved thereby, the petitioners moved an application dated 30.01.2017 (**Annexure P-3**) to respondents No.2-Deputy Commissioner, Sonapat for restraining respondent No.4 for raising construction of Chopal on the land reserved for *Ghade Khad*, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent an application dated 30.01.2017 (Annexure P-3) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the application dated

30.01.2017 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of this order.

(AJAY KUMAR MITTAL)
JUDGE

February 13, 2017
sonia gugnani

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No