

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25880-2017

Date of Decision: November 13, 2017

Gram Panchayat Patti Afgan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.C.B.Goel, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner is Gram Panchayat of village Patti Afgan, Tehsil and District Kaithal. It has a dispute with Gram Panchayat of village Dera Gadla, Tehsil and District Kaithal. The dispute between the two Gram Panchayats pertains to apportionment of the *shamlat deh* and other common properties. The Collector, Kaithal vide impugned order dated 07.04.2017 has remanded the case to the Assistant Collector 1st Grade-cum-Tehsildar, Kaithal to decide the dispute afresh after carefully examining the letter No.1709 dated 29.04.2003, which was earlier sent by the Collector, Kaithal.

[2] The petitioner-Gram Panchayat being aggrieved by the order of Collector, Kaithal, has filed the instant writ petition.

[3] Having heard learned counsel for the petitioner, we are of the

view that no interference in the impugned order is called for. The Assistant

Collector 1st Grade-cum-Tehsildar, Kaithal, to whom the case has been remanded, is duty bound to consider all the aspects of the matter, namely, the contentions or objections of the petitioner-Gram Panchayat as well as those of respondent No.5-Gram Panchayat and decide the dispute on merits in accordance with law. The letter of the Collector, Kaithal, dated 29.04.2003 will be one of the guiding factor and the Assistant Collector 1st Grade-cum-Tehsildar, Kaithal will be required to decide the matter strictly as per the Act, Rules and Government Instructions/guidelines.

[4] The Assistant Collector 1st Grade, Kaithal, is directed to decide the controversy as early as possible and preferably within a period of three months from the date of receipt of a certified copy of this order.

[5] Disposed of.

**(SURYA KANT)
JUDGE**

November 13, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |