

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.28300 of 2017.

Date of Decision: December 13, 2017

Jaipal and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

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

**HON'BLE MR.JUSTICE SUDHIR MITTAL.**

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Present: Mr.Ankur Sidhar, Advocate, for  
Mr.Rajesh Khandelwal, Advocate, for the petitioners.

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**Surya Kant, J.** (Oral)

The petitioners are unauthorized occupants over the Gram Panchayat land of their village Kinana, Tehsil and District Jind, comprising plots measuring like 154.95 square yards or less than that. Since eviction orders have been passed against them, they applied to the Gram Panchayat under Rule 12(4) of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to the State of Haryana, for the purchase of said land. Under the said Rule, Gram Panchayat is competent to sell its land after getting approval of the Collector, subject to certain conditions prescribed in the Rule itself, including that unauthorized occupation should be prior to March, 2000 or the land under unauthorized possession should not exceed 200 square yards; the unauthorized occupants should have no other residential house in the village etc. etc. The petitioners in the instant case tried to take advantage of the above-stated Rule but the Gram Panchayat vide resolution dated 16.07.2015 (P-15) turned down their request to sell its land, on the ground that it forms part of Johar (village pond) and cannot be

petitioners have other properties/residential plots in the village and as such they do not qualify the conditions of Rule 12 (4) of the Rules (ibid).

The petitioners, controverting the reasoning given by the Gram Panchayat, have filed an appeal before the Collector, Jind which is statedly pending consideration.

In this view of the matter and without expressing any views on merits of the petitioners' allegations, the writ petition is disposed of with a direction to the Collector, Jind to take up the appeal, if any, filed by the petitioners against the Gram Panchayat's resolution and decide the same in accordance with law, within a period of three months from the date of receiving a certified copy of this order. Till such time, residential houses, if any constructed by the petitioners, shall not be demolished. However, no further construction shall be raised.

*Dasti.*

**[SURYA KANT]**  
**JUDGE**

December 13, 2017  
*mohinder*

**[SUDHIR MITTAL]**  
**JUDGE**

|                                  |          |               |
|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |