

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

CWP No. 3812 of 2017 (O&M)

Date of decision: 6.4.2017

Ashok Kumar and others		 Petitioners
	VS	
State of Haryana and others		 Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Ranjit Saini, Advocate, for the petitioner.
 Mr. Ankur Mittal, Additional Advocate General, Haryana.
 Ms. Monika Thakur, Advocate, for respondent no. 5.

Rajesh Bindal, J.

The petitioners approached this Court, inter-alia, claiming the relief that respondent no.4- Assistant Collector 1st Grade, Yamuna Nagar, be directed to assess the value of the land belonging to the Gram Panchayat measuring 6 marlas in the possession of the petitioners for more than 25 years as they have raised construction of their house on that portion of land. It is claimed by the petitioners that almost equivalent land of the petitioners was taken by the Gram Panchayat for carving out a *rasta* for the inhabitants of the village when 6 marlas land was given to the petitioners in exchange. Ever since then the portion of the land owned by the petitioners is being used as a common passage though in the revenue record, the same is still recorded in the name of the petitioners.

After issuance of notice of motion, on 28.3.2017 learned counsel for the State, on instructions from Phool Singh, Social Education and Panchayat Officer, office of Block Development and Panchayat Office,

Jagadhri (District Yamuna Nagar), while admitting the claim made by the petitioners on facts, submitted that the claim of the petitioners for exchange of land can be considered in terms of Rule 5 of the Punjab Village Common Lands (Regulation) Rules, 1964 (for short, 'the Act') read with Rule 12 thereof.

Today, learned counsel appearing for the Gram Panchayat has produced in Court a copy of resolution dated 5.4.2017 passed by the Gram Panchayat acceding to the request made by the petitioners for exchange of land on payment, if any, assessed by the competent authority.

As the offer made by the petitioners has been fairly agreed upon by the Gram Panchayat, let a copy of the resolution passed by the Gram Panchayat be sent to the Deputy Commissioner to deal with the proposal made by the Gram Panchayat. The fact that portion of the land owned by the petitioners is being used as public passage by the inhabitants of the village and 6 marlas of land owned by the Gram Panchayat, is in possession of the petitioners for the last more than 25 years on which they have constructed their house, is not in dispute. The matter be sent for further approval by the competent authority and determination of amount, if any, to be paid by the petitioners in exchange of land. The needful shall be done within a period of six months from the date of receipt of certified copy of the order. Till such time and subject to the condition of payment of any amount, if determined by the competent authority to be payable by the petitioners on account of difference of value on account of exchange of land, the petitioners shall be entitled to use 6 marlas of Gram Panchayat land in their possession and will not disturb the passage which has been carved out on the land owned by them.

Another fact which is available on record is that the petition filed by the Gram Panchayat against the petitioners under Section 7 of the Act is pending before the Assistant Collector 1st Grade, Yamuna Nagar, in which the claim is that the petitioners have encroached upon the Gram Panchayat land.

As in the case in hand, the Gram Panchayat has agreed in principle to exchange Gram Panchayat land in possession of the petitioners with the land of the petitioners, which is being used as public passage by the inhabitants of the village, in our opinion, the prayer made in the petition filed under Section 7 of the Act has been rendered infructuous. The same shall be treated as disposed of.

The writ petition stands disposed of in the above terms.

(Rajesh Bindal)
Judge

6.4.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No