

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

CWP No. 7347 of 2017 (O&M)

Date of decision: 20.4.2017

Manoj Kumar and others

.. Petitioners

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Ramesh Sharma, Advocate, for the petitioners.

Rajesh Bindal, J.

The petitioners, who claimed themselves to be the residents of village Damla, Tehsil Jagadhri, District Yamuna Nagar, have filed the present writ petition challenging the resolution dated 1.1.1993 (Annexure P-2), passed by Gram Panchayat, Damla, order dated 20.4.1993 (Annexure P-3) passed by the State transferring 59 acres 5 kanals 10 marlas of land out of khasra no. 201, to the Chaudhary Charan Singh Haryana Agricultural University, Hisar, for construction of Krishi Vigyan Kendra at Yamuna Nagar, and consequently the gift-deed dated 7.3.1995 (Annexure P-5), executed by Gram Panchayat, Damla, in favour of the University. The gift-deed was signed on behalf of Gram Panchayat, Damla by the then Sarpanch.

Challenge has been made on the ground that the resolution of the Gram Panchayat was not competent and consequently the transfer of the land. The land could not be gifted. In fact, the land was gifted for setting up of Krishi Vigyan Kendra, however, nothing has been done. But the same is being misutilized by selling the top soil. When the petitioners came to know about this

fact, they applied for information under the Right to Information Act. The information was supplied in the year 2013. Thereafter, the petitioners approached the authorities and filed the present writ petition.

After hearing learned counsel for the petitioners, we do not find any reason to interfere in the present writ petition, the same being highly belated. The gift-deed was admittedly executed more than two decades prior to the filing of the present writ petition. Admittedly, the present petitioners, who claim themselves to be residents of village Damla, are still residing there. Hence, to claim that they were not aware of the gift of land to the University is hard to believe, especially when the land is claimed to be part of *abadi deh*. The land has been gifted for a public purpose i.e. agriculture, which is of immense importance in this area which is known as 'food bowl'. Even mutation of the land entered in favour of the University was challenged by some of the residents of the village and the same has been upheld by the Assistant Collector 1st Grade-cum-District Development & Panchayat Officer, Yamuna Nagar, vide order dated 6.5.2008.

For the reasons mentioned above, we do not find that any ground is made out to interfere in the present writ petition. The same is accordingly dismissed.

Before parting with the order, we feel it appropriate to observe that the University is duty bound to use the land for the purpose it was gifted so that it can help the agricultural community in the area.

(Rajesh Bindal)
 Judge

20.4.2017
 vs

(Harinder Singh Sidhu)
 Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No