

RSA No. 2367 of 2014 (O&M)
RSA No. 940 of 2015 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

RSA No. 2367 of 2014 (O&M)
Date of decision: 11.7.2017

Ram Rattan and others

...Appellants

Versus

Municipal Council, Palwal, and others

...Respondents

RSA No. 940 of 2015 (O&M)

Rajender and another

...Appellants

Versus

Kallu Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Yash Paul Khullar, Advocate
for the appellants in RSA No. 2367 of 2014
for respondents No.1 to 3 in RSA No. 940 of 2015.

Mr. Keshav Pratap Singh, Advocate
for the appellants in RSA No. 940 of 2015
for respondents in RSA No. 8 and 9 in RSA No. 2367 of 2014.

RAMESHWAR SINGH MALIK, J. (Oral)

These two identical regular second appeals are being disposed
of together vide this common order, as both the appeals are arising out of
similar set of facts and issue involved in both these cases is one and the

RSA No. 2367 of 2014 (O&M)
RSA No. 940 of 2015 (O&M)

same.

It is a matter of record that application bearing CM No. 9879-C-2015 was moved by the appellants in RSA No. 940 of 2015. This application was duly supported by an affidavit of one Ashok son of Om Parkash-appellant No.2. Prayer made in the application was that appellants wanted to withdraw the appeal in view of the compromise arrived at between the parties. Municipal Council, Palwal, is the common respondent in both these appeals.

The only short issue in both these appeals is, whether the burial ground carved out, as such, during the consolidation proceedings in the village of the parties, which was not operative during the past about 15 years, should be made operative again or not.

Learned counsel for the appellants in RSA No. 2367 of 2014, however, submits that the burial ground was operative during all this period. Be that as it may, management and control of burial ground admittedly falls within the exclusive domain of the Municipal Council.

In view of the above and to put an end to this wholly unwarranted controversy, both these appeals are disposed of, with a direction to the Deputy Commissioner, Palwal, to get convened a special meeting of Municipal Council, Palwal, at an early date and in any case within a period of one month from the date of receipt of certified copy of this order, so as to ensure that a workable solution is arrived at. It will also be open to the Deputy Commissioner, Palwal, to associate responsible members/representatives of appellants in both these cases. The Deputy Commissioner, Palwal, being District Magistrate, shall also ensure that no

RSA No. 2367 of 2014 (O&M)
RSA No. 940 of 2015 (O&M)

law and order problem is caused by any of the parties. He shall also ensure taking of an appropriate decision, which is most suitable to all concerned keeping in view the peculiar facts and circumstances of the case and also the peculiar fact situation obtaining at the site.

Let appropriate decision be taken without any further of loss of time and in any case within the abovesaid stipulated period. Executive Officer, Municipal Council, Palwal, shall assist the Deputy Commissioner, Palwal, in resolving the issue referred to hereinabove.

It goes without saying that if any of the parties to this litigation feels aggrieved against the decision taken by the Municipal Council, it would be at liberty to challenge the same before appropriate forum, in accordance with law.

Resultantly, with the abovesaid observations made and directions issued, both these appeals stand disposed of, however, with no order as to costs.

All the pending miscellaneous applications in both these appeals shall also stand disposed of.

11.7.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No