

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250

CRM-M-33166 of 2017
Date of decision: 24.08.2018

GRAM PANCHAYAT BAKAL

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

..Respondents

CORAM:HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Gurmail Singh Duhan, Advocate
for respondents No. 14, 15, 17, 18, 20 to 28.

RAMENDRA JAIN, J.(ORAL)

Through this petition under Section 482 Cr.P.C. Petitioner seeks quashing of order dated 14.08.2014 (Annexure P-5) passed in proceedings under Section 145 Cr.P.C. by Sub Divisional Magistrate, Kaithal titled as State Vs. Deputy Director Animal Husbandry Department, Kaithal as well as all other consequential proceedings.

Briefly stated, a piece of land owned by the petitioner Panchayat was given to State Government for setting up a Veterinary Hospital in the Village. The same is functional since 1984. The adjoining land is owned by the Gurdwara Parbandhak Committee, Village Bakal, who forcibly occupied Gram Panchayat land meant for Veterinary Hospital. The boundary wall between Gurdwara and Veterinary Hospital was dismantled and a gate was installed. Consequently, petitioner filed Civil Writ Petition No. 18050 of 2014 against Gurdwara Parbandhak Committee, for direction to the State

authorities to get the land in question vacated.

Vide order dated 03.09.2014, the said writ petition was accepted by a Division Bench of this Court directing (i) Deputy Commissioner, Kaithal; (ii) Senior Superintendent of Police, Kaithal and (iii) District Development & Panchayat Officer, Kaithal as well as the State Government to take necessary remedial measures to ensure that not even an inch of land of the Veterinary Hospital owned by Gram Panchayat or State Government is encroached upon by any one. In the event of any lapse, the matter would be viewed seriously.

However, Government authorities did not take any action in compliance to the aforesaid order dated 03.09.2014. Consequently, the petitioner again approached this Court by way of COCP No. 1864 of 2015 (Annexure P-4) in which Report (Annexure R-2) was filed by Sh. Prem Singh, Block Development & Panchayat Officer, Pundri, disclosing that the land in question was in possession of Land Development Officer after removal of illegal encroachment and Malba etc. and levelling the same. The concerned department was taking care of the land in question.

In view of above, compliance report Annexure R-2, filed in the year 2015, the aforesaid COCP No. 1864 of 2015 was disposed of.

Now the grouse of the petitioner raised in this petition is that Sub Divisional Magistrate is proceeding under Section 145 Cr.P.C., though there is no need to continue further as, presently there is no threat perception of breach of peace.

However, learned counsel for the private respondents has offered to give more valuable land in exchange, to the petitioner at a better place along with costs of construction of Veterinary Hospital in the Village, which

would be more beneficial to the Villagers, in lieu of the land in question, it being adjacent to Gurdwara in which they offer prayers. Offer of the private respondents cannot be accepted in view of the fact that Veterinary Hospital is already running and there is no vacant piece of land.

Learned counsel for the petitioner has produced copy of report given by MHC of Police Station, Pundri, which is taken on record as Mark 'A'. According to the same, neither there is breach of peace at present, nor there is danger for breach of peace.

From report Annexure R-2, it is evident on the record that the possession of land in question is already with the Block Development Officer, Pundri.

Learned State counsel on instructions from Dr. Pardeep Chauhan, Deputy Director contends that land in question is now under the possession of Veterinary Department, Government of Haryana and a Veterinary Hospital is running on the spot. Therefore, learned State counsel submits that the State has no objection, if proceedings under Section 145 Cr.P.C., and order dated 14.08.2014 (Annexure P-5) of the Sub Divisional Magistrate, Kaithal are quashed.

From the above actual aspect of the case, it is evident on the record that SDM, Kaithal is unnecessarily continuing the proceedings under Section 145 Cr.P.C. Therefore, the impugned proceedings are also quashed. S.D.M. Kaithal is, accordingly directed to abstain from further proceedings in the matter.

Disposed of.

August 24, 2018

Poonam (II)

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No