

CWP no. 11904 of 2016 (O&M) 1

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

**CWP no. 11904 of 2016 (O&M)
Date of Decision : 10.05.2018**

Gram Panchayat Shekhupur

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr.N.P.S.Mann, Advocate for the petitioner(s)

Ms. Anu Pal, AAG, Punjab

Mr. M.K.Singla, Advocate for respondent no.4

Mr. Dhirender Chopra, Advocate for respondents
no. 5 to 8

MAHESH GROVER, J.(ORAL)

This writ petition is directed against order (Annexure P-7). The petitioner before us is the Gram Panchayat Village Sekhopura which had a Hadda Rori situated in khasra no. 658. The Gram Panchayat was desirous of shifting Hadda Rori to khasra no. 107 for the reason that khasra no.658 was situated on the link road which was used by the students to go to school situated on Patiala Bhawanigarh road. Also in the vicinity of the school and

Sahib and shops on the bus stand of the village. This fact was duly acknowledged by the BDPO who visited the spot and submitted his report on 20.4.2015 virtually accepting and endorsing the concerns of the Gram Panchayat.

The respondents initiated proceedings for cancellation of the resolution dated 5.2.2014 on the strength of which the change of site of Hadda Rori was effected. The Director accepted the petition and cancelled the resolution which is now a cause of grievance to the petitioner.

We have heard learned counsel for the parties and have also perused the site plan and the other related material on record and are of the opinion that the impugned order deserves to be set aside. Concededly the Hadda Rori comprising in khasra no. 658 was on the link road leading to the school and the Gurdwaras and the same would be in use by the respondents including children if they had to access the school and the Gurdwaras. It is open knowledge that site like Hadda Rori would fester stray dogs etc., besides emanating stench apart from being unpleasant to the eyes. These sites, therefore, have to be at places which are concealed and at a less visible area. The site plan indicates that khasra no. 107 is indeed at some distance from the remaining village and is adjoining another Hadda Rori of villages namely Sultanpur and Channa Khunti. Evidently, these factors were not taken into consideration while passing the impugned order. However, it has been brought to our notice that the proposed site at khasra no.107 is adjoining a cremation ground and so while accepting the petition and setting aside the impugned order (Annexure P-7) we direct the Gram Panchayat to segregate the cremation ground by raising a boundary wall and fencing it by adequate number of trees etc. However, this order should not be considered

an impediment if the Gram Panchayat is desirous of shifting the Hadda Rori to some other place which may be more conducive.

Petition stands allowed.

(Mahesh Grover)
Judge

10.05.2018
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Rajbir Sehrawat)
Judge