

CWP no. 12924 of 2016 (O&M) 1

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

CWP no. 12924 of 2016 (O&M)

Date of Decision : 29.11.2018

Surjit Singh and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA**

Present : Ms. Anuradha, Advocate for
 Mr. Kartik Gupta, Advocate for the petitioner(s)

 Mr. I.P.S.Doabia, Addl. AG, Punjab

 Mr. V.K.Sandhir, Advocate for respondent-Gram Panchayat

MAHESH GROVER, J.(ORAL)

The petitioners have impugned the resolution of the Gram Panchayat dated 30.6.2010 vide which land measuring 1 kanal 19 marlas earmarked during consolidation as graveyard for burying dead animal bodies is proposed to be used as cremation ground for scheduled castes community alone. Relevant portion of the resolution is extracted herebelow:-

“After this it was also passed that the place which was left out of village shamlat for burying the animal dead bodies. No dead animals are brought to this location. Since last thirty years no dead animal was brought to this place. I have passed that the said land left for burying the animal dead bodies, will now be used for cremation ground for S.C community persons, therefore,

this land may be used for S.C. Cremation ground.”

Learned counsel for the respondent-Gram Panchayat states that petitioners would have remedy under Section 199 of the Punjab Panchayati Raj Act to approach the Director for annulment of the resolution.

Upon perusal of the resolution, we find that resolution is absolutely unsustainable. If the resolution had been to use the land for cremation ground there would have been no quarrel but if it is intended for scheduled caste community, we are of the opinion that it goes against all norms of the Constitution, besides, smacking of discrimination against sections of the society. We would thus unhesitatingly quash the resolution and direct that proper proceedings be initiated against the Sarpanch and other Panches who were responsible for passing such a resolution.

State is directed to do the needful.

Disposed of in above terms.

(Mahesh Grover)
Judge

29.11.2018

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Lalit Batra)
Judge