

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

CWP No.18844 of 2018

Date of Decision : 01.08.2018

Baldev Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

....

MAHESH GROVER, J. (Oral)

The petitioner prays that appropriate directions be issued to accord approval for the lease of Shamlat land of the Gram Panchayat for a period of 33 years for the purpose of setting up a brick kiln.

After hearing the learned counsel for the petitioner, we are of the opinion that no such mandate can be issued in exercise of powers under Article 226 of the Constitution of India. Rather, whether a particular kind of land can be leased out or not is a question totally within the domain of the Gram Panchayat and the Block Development and Panchayat Officer. The petitioner by invoking a writ of mandamus cannot seek a positive direction in this regard. But since a representation has been made by the petitioner, we would without commenting on the issue raised in the petition, direct the competent authority to take a decision in this regard after giving an opportunity of hearing to the petitioner as expeditiously as possible, preferably

within a period of six months from the date of receipt of certified copy of the order.

We make it abundantly clear that a direction to this limited extent does not imply a comment on the merits of the case.

Petition stands disposed of.

(MAHESH GROVER)
JUDGE

01.08.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No