

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

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CWP-26046 OF 2014

Date of Decision: 19.03.2018

BALDEV SINGH

....Petitioner.

Versus

STATE OF PUNJAB AND ORS.

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Ms. Gurmeet Kaur, Advocate for
Mr. H.S. Bedi, Advocate
for respondent No.6.

ANUPINDER SINGH GREWAL, J.

The petitioner through the instant public interest litigation has sought a writ of certiorari for quashing Resolution dated 23.05.1996 (Annexure P-2) passed by the Gram Panchayat of Village Nainowal Vaid, Tehsil Dasuya, District Hoshiarpur and the order dated 29.10.1996 (Annexure P-3) approving the gift deed dated 31.10.1996 (Annexure P-4) executed by the Sarpanch of Gram Panchayat of Village Nainowal Vaid, Tehsil Dasuya, District Hoshiarpur in favour of Director, Technical Education and Industrial Training Department, Punjab, Chandigarh as being contrary to the provisions of Punjab Village Common Lands (Regulation) Act, 1961. Further prayer for issuance of a writ of mandamus directing respondents No.7 to 10 to handover vacant

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possession of the land in question to respondent No.6 (Gram Panchayat) has also been made.

2. The petitioner, who is stated to be Lambardar of village Nainowal Vaid, Tehsil Dasuya, District Hoshiarpur, has stated that land measuring 18 kanals 08 marlas as described in para 3 of the petition in village Nainowal Vaid, Tehsil Dasuya, District Hoshiarpur is owned by Gram Panchayat of the village. A resolution was passed by the Gram Panchayat on 23.05.1996 that 15 acres of the land of the Gram Panchayat would be given to the Technical Education Department to construct a Polytechnic college. The resolution was forwarded to Divisional Deputy Director, Panchayat i.e. respondent No.3, who further forwarded the same with his recommendation to the Director, Technical Education and Industrial Training Department, Punjab, Chandigarh for opening polytechnic educational institution. Consequently, a gift deed was executed by Sarpanch of the Gram Panchayat in favour of Director, Technical Education and Industrial Training Department, Punjab, Chandigarh on 31.10.1996. The land was transferred in the name of the Director, Technical Education and Industrial Training Department, Punjab, Chandigarh and it is so recorded in the jamabandi for the year 2008-09. It is also stated that thereafter, the then Sarpanch, Gram Panchayat filed a civil suit on 22.11.2008 for declaration to the effect that Gram Panchayat is owner-in-possession of the land as per entry in

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jamabandi for the year 2003-2004 and gift deed dated 31.10.1996 executed by Nasib Singh Sarpanch in favour of respondent No.7 is illegal and void as the same was never acted upon by respondent No.7. It is also stated that the Director, Technical Education and Industrial Training Department, Punjab, Chandigarh had failed to act upon the gift deed dated 31.10.1996 despite the lapse of 12 years from the date of execution of the gift deed and during the pendency of the civil suit he entered into a concession agreement dated 30.01.2009 with respondent No.8 in violation of the terms and conditions of the gift deed. Later, the civil suit was allowed to be dismissed as withdrawn in view of the compromise arrived at between the parties.

Learned counsel for the petitioner has contended that the impugned Resolution dated 23.05.1996, impugned order dated 29.10.1996 as well as the impugned gift deed dated 31.10.1996 are liable to be set aside as they are contrary to the provisions of Punjab Village Common Lands (Regulation) Act, 1961.

3. Reply by way of a short affidavit of Director, Department of Technical Education, Punjab has been filed on behalf of respondent No.7, wherein it is stated that during the pendency of the writ petition, the matter was taken up with the Government and it has been decided to revert back the land to the Gram Panchayat. In this regard, a letter dated 21.02.2018 has been written to the Department of Rural Development and

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Panchayats to return the land to Panchayat. A copy of the letter is annexed as Annexure R-1 with the affidavit.

4. Therefore, as the Government has decided to return the land to the Gram Panchayat, the instant petition has been rendered infructuous and stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

19.03.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO