

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

CWP No.2347 of 2018 (O&M)
Date of decision: 02.02.2018

Gram Panchayat, Majrian

... Petitioner

VS

State of Punjab and ors.

... Respondents

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

Present: Mr. Puneet Bali, Sr. Advocate with
Mr. Vibhav Jain, Advocate
for the petitioner.

Mahesh Grover, J.(Oral)

This writ petition has been filed with a prayer to restrain the State from extending the notification under Sections 4 and 5 of Punjab Land Preservation Act (in short 'PLPA'), 1900.

Evidently, the petition is based on an apprehension and it is for this precise reason that we intend not take cognizance of the grievance raised by the petitioner before us. We, however, notice that on a prior occasion this Court had while dealing with the issue of prevailing notification under PLPA in CWP No.14723 of 2015 given extensive directions to the State, the relevant of which are extracted herebelow:

“The State Government shall, however, preferably before the expiry of the period of fifteen years from the date of notification dated 03.02.2003 and in any case within a period of one year from the date of receipt of copy of the judgment, carry out an exercise for consideration as to whether it is desirable to continue with the directions of the PLP Act in an area for the conservation of sub-soil water and prevention of

erosion in any area subject to erosion or likely to become liable to erosion and further satisfy itself after due enquiry whether the regulations, restrictions, prohibitions and/or directions by general or special order are necessary within the notified areas for the purpose of giving effect to the provisions of the PLP Act. In case these are to be continued, then the procedure provided by the PLP Act must be adhered to and followed by making necessary publication in the official gazette and also a proclamation of the regulations, restrictions, prohibitions or directions in the area in respect of which a notification has been published under Section 3 and that upon such publication any general order made under Section 4 or 5-A has become applicable to such area or any special order under Sections 4, 5 or 5-A is made in respect of such area.

It shall also be determined by the State Government as to whether the lands in question are 'forest' or 'forest land' primarily in terms of the provisions of the Indian Forest Act, 1927, the Forest (Conservation) Act, 1980 etc. as also the judgments of the Supreme Court in B.S. Sandhu v. Government of India (supra), which is reiterated in Dashmesh Educational Society v. Punjab Urban Development Authority and others (supra) as also in Tanu Bedi v. B.S. Sandhu and others (supra); besides, T.N. Godavarman Thirumulkpad v. Union of India and others (supra). The exercise of payment of compensation to the land owners whose land has been locked by the provisions of the PLP Act shall also be carried out in accordance with the provisions of Sections 14 and 15 and all land owners or affected persons entitled for compensation shall be paid the compensation, which shall be restricted to a period of three years from the date of filing the petitions by them or on their behalf."

After hearing learned counsel for the petitioner, we are of the

opinion that the writ petition is premature as no notification has been issued

and deserves to be disposed of as such. But since the petition is based merely on apprehension, the reasonableness of which we cannot ascertain, it does not warrant any further attention. Suffice it to say, as elaborate directions have already been given, we expect that the mandate of law would be adhered to and respected but as on today, the Court cannot accord any presumptive conclusions of any violation by the State or its functionaries.

Accordingly, the present writ petition is disposed of as above. Indeed if any notification is issued in violation of the afore-extracted directions, the petitioner would be at liberty to approach this Court.

(Mahesh Grover)
Judge

02.02.2018
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(Rajbir Sehrawat)
Judge

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No