

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

**CWP No. 27743 of 2018 (O & M)
Date of Decision:-30.10.2018**

Vijay Kumar

...Petitioner

Versus

Director-cum-Commissioner Rural Development & Panchayats Punjab and
others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present:- Mr. Rajiv Dev Sharma, Advocate
for the petitioner.

RAJESH BINDAL J.

Petitioner has approached this Court impugning order dated 17.3.2017 (Annexure P-3) passed by the District Development and Panchayat Officer-cum-Collector, Pathankot, District Pathankot-respondent No.2 and order dated 02.02.2018 (Annexure P-5) passed by the Director-cum-Commissioner, Rural Development and Panchayats, Punjab.

In the case in hand, land measuring 01 Kanal 15 Marlas belonging to Gram Panchayat, Begowal was leased out to the petitioner at a monthly rent of ₹105/-. For that purpose, Gram Panchayat passed a resolution on 11.5.2016. The petitioner was further granted liberty to raise construction thereon. The action of the Gram Panchayat in leasing out the

land to the petitioner was challenged by one Balraj Dutt before the District Development and Panchayat Officer, Pathankot by filing an application. The same was allowed vide order dated 17.3.2017 in which the District Development and Panchayat Officer, Pathankot had held that at the time the land was leased out to the petitioner, no publicity was given and no official from the office of the District Development and Panchayat Officer was present. The land is commercial in nature and the amount of lease money fixed is far less than the market rate. The resolution of the Gram Panchayat dated 11.5.2016 was set aside.

The petitioner preferred appeal against the aforesaid order before the Director Panchayats but the same was dismissed as the petitioner failed to implead the complainant before the District Development and Panchayat Officer, who is respondent No.4 in the appeal. He further observed that the land is situated at Taragarh-Narot Jaimal Singh Main road and is precious one.

Learned counsel for the petitioner has submitted that opportunity be given to him to implead the complainant before the District Development and Panchayat Officer so that the appeal can be heard on merit. Further, in an inquiry against the Sarpanch, he was exonerated of the allegations that the lease was granted to the petitioner in connivance with him.

After hearing learned counsel for the petitioner, we are not impressed with the arguments. Lease of 01 Kanal and 15 Marlas of land was granted by the Gram Panchayat with permission to raise construction

thereon to the petitioner at a monthly rent of ₹105/-. Permission was given to raise construction which shows that the lease was perpetual as there is nothing mentioned about the period for which the lease was granted. Gram Panchayat could not lease out land permanently. It has further been noticed by the Authority that the land is situated at Taragarh-Narot Jaimal Singh main road, same being commercial has high market value.

For the reasons mentioned above, we do not find any reason to interfere in the orders dated 17.3.2017 (Annexure P-3) and 02.02.2018 (Annexure P-5).

The writ petition is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

October 30, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No