

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

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Civil Writ Petition No.37645 of 2018
Date of Decision: December 19th, 2018

Gram Panchayat village Tanda, Tehsil Barot, District Bagpat

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been purported to be presented by the Gram Panchayat of Village Tanda, Tehsil Barot, District Bagpat, Uttar Pradesh through Smt. Khushnuma wife of Shri Irfan Khan.

2. On a question being put by this Court, learned counsel for the petitioner has referred to the resolution dated 11.07.2012 of the Gram Panchayat (Annexure P-10). Perusal of the said resolution would show that the authorisation was given to Smt. Khushnuma when she was a Sarpanch of the village. As of now she does not have the authority to file the present writ petition.

3. Be that as it may, the present petition has been preferred for issuance of a writ of mandamus directing the respondents to consolidate the land and demarcate the same in view of the provisions of Sections 32 and 33 of the Punjab Land Revenue Act.

4. Counsel for the petitioner asserts that the petitioner-Gram Panchayat, because of the river action, deprived of the land which was initially in Uttar Pradesh but now forms part of Haryana. Some of the members of the Gram Panchayat still have land holdings,

unable to put forth their claim and in this regard, a resolution (Annexure P-10) has been passed by the Gram Panchayat, which has been submitted to the Commissioner, Rohtak Division, Rohtak-respondent No.2. His apprehension is that the said resolution would not be taken into consideration by the competent authority while finalising the consolidation proceedings, which are being so carried out at the behest and directions issued by this Court in CWP No.8979 of 2009, which was decided on 17.08.2011 (Annexure P-3) and CWP No.7767 of 2013 decided on 06.08.2015 (Annexure P-9).

5. This apprehension of learned counsel for the petitioner is totally misplaced as this Court is sanguine that the competent authority, when confronted with such a representation, would take the same into consideration, as has been sought to be projected to be resolution of the Gram Panchayat.

6. Mandamus at this stage, therefore, would not be required to be issued to respondent No.2 as prayed for.

7. The writ petition stands disposed of with above observations.

December 19th, 2018
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No