

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

COCN No. 1477 of 2016

Date of Decision: 16.10.2019

Dharam Chand (deceased) through LRs

.....Petitioners

Versus

Parmod Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sharad Chaudhary, Advocate
for the petitioners.

Mr. Sumit Sangwan, Advocate
for respondent.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

The writ petition filed by the petitioner questioning the eviction order passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, was disposed of vide order dated 21.10.2013 granting liberty to the petitioner to approach the Gram Panchayat for purchase of land measuring 75 square yard. The petitioner failed to approach the Gram Panchayat and a Civil Miscellaneous application was filed. The application was disposed of on 16.11.2015 permitting the petitioner to approach the Gram Panchayat by moving an application by 31.12.2015 and in case the needful was done, the decision was to be taken in accordance with law.

The petitioner failed to file the application, however, filed contempt petition pleading that the needful has not been done.

During the pendency of the contempt petition vide order dated 6.2.2019, the matter was adjourned giving an opportunity to learned counsel for the State to verify whether respondents are ready to consider the case of the petitioner, in case the application is filed even now.

After the said order the petitioner filed an application on 18.02.2019.

Learned State counsel has produced order dated 5.2.2019 whereby the resolution passed by the Gram Panchayat seeking approval for sale of Gram Panchayat Land was rejected relying upon the Supreme Court decision dated 28.1.2011 passed in Civil Appeal No. 1132 of 2011 titled as **Jagpal Singh Vs. State of Punjab**, the same is taken on record and copy supplied to counsel for the petitioner.

Learned counsel for the petitioner states that the approval has been denied illegally.

The said aspect cannot be gone into in the present contempt petition. Considering the fact that *inspite* of the petitioner not filing the application within the time prescribed by this Court yet a decision has been taken by the respondent, no further interference is called for.

Dismissed.

However, the petitioner would be at liberty to avail remedy in accordance with law.

16.10.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No