

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

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**CR-7875-2014 (O&M)
Date of Decision: 13.11.2019.**

Gram Panchayat Village Desalpur

....Petitioner.

Versus

Dhupe alias Dhupan Singh since deceased through his L.Rs. and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Ms. Aashna Gill, Advocate for the respondents.

Deepak Sibal, J.(Oral)

The present petition is directed against the order dated 07.05.2014 passed by the Additional Civil Judge (Senior Division), Bahadurgarh, dismissing the review petition filed by the petitioner, through which the petitioner had sought review of award and decree dated 19.01.2008 passed by the Presiding Officer, Lok Adalat, Sarai Aurangabad, Bahadurgarh, District Jhajjar.

The respondents filed a suit seeking therein to be declared occupancy tenants of 16 Kanals of agricultural land comprised in Khewat No.198/201 min, Khatoni No.278, situated within the revenue estate of Village Desalpur. The petitioner-Gram Panchayat who was the sole defendant in the suit, authorized its Sarpanch-Smt. Dhanpati to defend the suit on behalf of the Gram Panchayat who filed a written statement on behalf of the Gram Panchayat disputing the respondents' claim. However,

before the Presiding Officer, Lok Adalat, Sarai Aurangabad, the said

Sarpanch conceded to the respondents' claim, resulting in passing of a consented award and decree dated 19.01.2008 in their favour. When the above fact came to the knowledge of the Gram Panchayat, it immediately filed an application dated 28.02.2008 seeking review of the aforesaid award and decree inter alia on the ground that Smt. Dhanpati could not have conceded to the respondents' claim without following the procedure prescribed under Rule 16(3) of the Punjab Village Common Land (Regulations) Rules, 1964 (as applicable to the State of Haryana) and Rules 24, 25 of the Haryana Panchayati Raj Rules, 1995. Allegations of collusion between Smt. Dhanpati and the respondents were also raised. The said application filed by the petitioner was dismissed by the Trial Court on the ground of delay. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the respondents submits that neither the review petition filed by the petitioner seeking review of the award and decree of the Lok Adalat nor the present petition is maintainable. According to her the only remedy available to the petitioner was to file writ petition under Articles 226/227 of the Constitution of India seeking therein quashing of the said award and decree and that too on very limited grounds. Reliance was placed on the judgments of Hon'ble Supreme Court in **State of Punjab and another vs. Jalour Singh and others, 2008 (2) SCC 660** and Civil Appeal No.11345 of 2017—**Bhargavi Constructions and another vs. Kothakapu Muthyam Reddy and others**, decided on 07.09.2017

In the light of the above objection, learned counsel for the petitioner seeks to withdraw the present petition with liberty to file a writ petition under Articles 226/227 of the Constitution of India.

In view of the above as also for the reason that the petitioner Gram Panchayat is pursuing its remedy to challenge an award and decree of the Lok Adalat dated 19.01.2008 which has allegedly been procured by the respondents by allegedly colluding with the Sarpanch of the Gram Panchayat and that the subject matter of the petition is Panchayat land, the present petition is permitted to be withdrawn with liberty as prayed for.

Since the aforesaid award and decree of the Lok Adalat dated 19.01.2008 is under challenge by the petitioner since 28.02.2008, the petitioner's writ petition shall not be questioned on the issue of limitation.

The petition is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

13.11.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No