

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.771 of 2019 (O&M)

Date of Order: 04.02.2019

Gram Panchayat

..Petitioner

Versus

Guru Premsukh Adinath Bhakti Sangh (regd. Trust), Sirsa

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

It is an unfortunate litigation, which is only because of politics at Gram Panchayat level.

There was a prior litigation in which Gram Panchayat passed a resolution on 11.11.2011, permitting the respondent-Trust to set up a public charitable hospital for welfare of the residents of the area. On the basis of the resolution, the then Gram Panchayat entered into a settlement which resulted into an award passed by the Lok Adalat on 06.01.2012. Construction of the building of the charitable hospital was started and completed. Application was filed by the successor office bearer of the Gram Panchayat on 18.10.2016 for review of award passed by the Lok Adalat.

Learned trial court after appreciating the evidence on record, have come to a conclusion that the procedure has been followed and the

respondent has already invested crores of rupees to construct the building and this fact was not only in the knowledge of the Gram Panchayat but also in the knowledge of residents of the area. The petitioner-applicant fails to prove any fraud or misrepresentation committed by respondent-trust. Accordingly the application was dismissed.

The order passed by the learned trial court has been challenged by the petitioner by way of this revision petition.

Learned counsel for the petitioner submitted that the land had been given to the respondent-trust without payment of the amount and therefore, there was fraud.

It is apparent that the office bearer of the then Gram Panchayat entered into a compromise and permitted construction of a charitable hospital keeping in view not only the welfare of the residents of the village but also of surrounding area.

In these circumstances, this court has made an observation that the present application is actuated by malafide. The fact that the Gram Panchayat passed a resolution on 11.11.2011, is not in dispute. The aforesaid resolution was also sent to the Government but the government never raised any objection. Still further this court has doubt as to whether such application was maintainable particularly when the award was passed by Lok Adalat or not?

Hence, the revision petition is dismissed.

The state Government is directed to enquire that whether the action of the office bearer of the Gram Panchayat, Kalanwali, was actuated by any bonafide reasons or malafide. The enquiry be held by the Deputy Commissioner within 3 months. The Deputy Commissioner, Sirsa, would

submit a copy of the report to this court for information. However, observations made by this court shall not influence the enquiry.

February 04, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No