

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

CWP 4439/2019

Date of decision:22.02.2019

Amrinder Singh

.....Petitioner

v.

State of Haryana through its Secretary

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.Amandeep Singh Saini,Advocate for the petitioner.

Mr.Ankur Mittal,Addl.AG Haryana for respondents.

Jaswant Singh,J,(Oral).

Petitioner-Amrinder Singh, a resident of Village Teontha, Tehsil Pundri, District Kaithal, by way of this writ petition is seeking a writ in the nature of prohibitory to restrain BDPO,Pundri-respondent no.4 and Gram Panchayat,Village Teontha-respondent no.5 from illegally constructing a Community Hall in the land of Gair Mumkin Johar, comprised in Khewat No.767,Khatoni no.965 and Khasra no.161, measuring 54-1 kanals. Further prayer is to restrain the respondents from encroaching upon the passage comprised in khasra no.178 leading to Graveyard comprised in khasra no.156 of Khewat No.772 min//693.

It is alleged that Gram Panchayat of Village Teontha is seeking to alter the use of Gair Mumkin Johar by constructing a Community Hall in the land described above, which is specifically allotted for Johar as per jamabandi for the year 2013-14. It is alleged that by raising such

construction encroachment is also being made upon passage leading to Graveyard described above. It is further alleged that construction is being made by spoiling a children park and that wall of the Community Hall is adjoining to the school as a result of which students will be disturbed. It is claimed that complaint in this regard made to respondent no.4-BDPO,Pundri did not yield any result, hence this petition.

Notice of motion was issued.

On 20.2.2019, BDPO,Pundri, District Kaithal was directed to verify the facts averred in the petition.

In compliance of the said order, Kanwar Daman Singh, District Development and Panchayat Officer,Distt.Kaithal-respondent no.3 has filed his reply by way of affidavit dated 22.2.2019 in Court today. The same is taken on record.

In the said affidavit it has been stated by respondent no.3 that petitioner has not approached this Court with clean hands, as he had already filed a civil suit on the same cause of action and the said suit was got withdrawn by the petitioner on 12.10.2018 (R-4). It is further stated that out of total land of 54 kanals 1 marla of Village Pond, the Community Hall is being constructed over a very small piece of land and pond is still in existence over an area of 48 kanals. The allegation regarding encroaching the passage leading to Graveyard has also been specifically denied. As regards location of the Community Hall being constructed, it is stated that there exists a passage in between the Community Hall and the School. It is further averred that Community Hall is being prepared as per land utilisation plan prepared in the year 2018 and construction raised out of grant of Rs.20 lacs received by Gram Panchayat from the Managing

Director,Haryana Rural Development Board,Chandigarh. It is further averred that Gram Panchayat after preparation of land utilization plan can alter use of land and Gram Panchayat concerned has already passed resolution no.2 dated 14.8.2018 whereby land utilization plan has been prepared including that of land comprised in khasra no.161.

In the face of contents of affidavit filed in Court today, learned counsel for the petitioner seeks permission to withdraw the petition.

Dismissed as withdrawn.

(Jaswant Singh)
Judge

22.02.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No