

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

**CR no.3328 of 2019 (O&M)
Date of Decision: 31.05.2019**

Harbans Singh and others

...Petitioners

Vs.

Gram Panchayat of Village Ugara and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Bhag Singh, Advocate,
for the petitioners.

Mr. Rajesh Duhan, Advocate,
for respondent no.1.

Mr. RKS Brar, Addl. Advocate General, Haryana.

Amol Rattan Singh, J (Oral)

Pursuant to the order dated 30.05.2019, Mr. Brar, learned Addl. Advocate General, Haryana, submits that as per the revenue officials present in Court to assist him, the land in question was in the ownership of *Panchayat Deh*, with the land having been reserved for the purpose of *charand*. Thereafter, upon the judgment of a Full Bench of this Court in **Jai Singh v. State of Haryana** (1995-1) 109 PLR 614 (F.B.) having been delivered, the revenue record was altered, to show the ownership of the land to be in the name of the proprietors of the village.

However, the purpose of utilization of land has actually never changed.

Mr. Bhag Singh, learned counsel for the petitioners, also submits that the petitioners are also simply seeking that the utilization of the land be not changed as the respondents are now digging up the land very extensively, whereas actually, for whatever project they are using the earth, such earth/sand should be purchased by them from 'outside', without “spoiling the land in question”.

He has also produced some photographs to show that the land has indeed been dug a little deep over a fair area.

Learned counsel for the Gram Panchayat submits that the earth being dug up has been used for the purpose of renovating the school building, with him having produced some photographs showing the condition of the building before and after renovation, with him further stating that the earth is also being used for the purpose of leveling various roads etc. in the village.

That being so, without making any comment on the merits of the case of the petitioners before the trial court, I see no reason to interfere with the impugned order, with it made clear however, even while dismissing this petition, that if eventually on the basis of the evidence led, the trial court finds that the land has been wrongly utilized and has been wrongly dug up and the petitioners' contention in their suit deserves to be allowed, damages may be commensurately awarded (if found due), to ensure that the land is restored to its previous condition.

This is an observation by this Court by way of abundant caution, keeping in view any possibility as to the outcome of the suit, with it

again made clear that if the suit otherwise does not deserve any acceptance on merits, it would be dealt with accordingly.

31.05.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes