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

CWP No.20233 of 2019
Date of decision: July 24, 2019

Mahesh ...Petitioner

Versus

State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Avneesh Jhingan

Present: Mr. P.M.Anand, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner, who is a resident of village Ghamroj, Tehsil Sohna, District Gurugram, has prayed for the issuance of a writ in the nature of *mandamus* for seeking a direction to the respondents to provide land comprised in Rect. No.80, Killa No.7 for its use as a football playground.

In brief, earlier the petitioner had filed CWP No.25039 of 2018, in which he had prayed for removal of encroachment on panchayat land and to direct respondents no.1, 2 and 8 therein to refrain from occupying, by way of plantation, the playground which was being used as such from the last 50 years and also for deciding the legal notice dated 18.06.2018. The said writ petition was disposed of by this Court on 28.09.2018 by an innocuous order to decide the legal notice by passing a speaking order. The petitioner had allegedly filed COCP No.366 of 2019, which was disposed of on 04.04.2019 because the order passed in the writ petition dated 28.09.2018 was complied with. Since the petitioner has been claiming a football ground in Rect. No.80 Killa No.7,

therefore, the Deputy Commissioner sought a report from the Forest Department, on which he was informed that Rect. No.80 Killa No.7 is PLPA and Sector 4-5 is not a part of Aravali Plantation area. The Divisional Forest Officer, Gurugram further informed that *“PLPA 1900 (Section-4) is applicable to Tehsil Sohna and District Gurugram, under which the felling of trees without the permission of the undersigned is forbidden”*. The Deputy Commissioner, thereafter, informed the Gram Panchayat vide his letter dated 17.04.2018 that Rect. No.81 Killa Nos.2 and 9 of the Gram Panchayat is not a part of the Aravali plantation area and the Gram Panchayat is competent at its own level to provide the land comprised Rect. No.81 Killa Nos.2 and 9 for its use as a playground. The Gram Panchayat held a meeting on 01.05.2018, in which it was resolved that Rect. No.81 Killa Nos.2 and 9 cannot be made available for playground because there is Hanuman Mandir and a mountain, however, the Gram Sabha is ready to give the land comprised in Killa Nos.2 and 9 of Rect. No.100 for the playground.

We have heard learned counsel for the petitioner and perused the record.

The agitation of the petitioner for the allotment of land comprised in Khasra No.80 Killa No.7 is not well founded in view of the resolution passed by the Gram Panchayat. Not only that, the Gram Panchayat is also not in a position to provide the land bearing Rect. No.81 Killa Nos.2 and 9 for the obvious reason recorded in the resolution. Thus, in such circumstances, the insistence on the part of the petitioner to allot the land in Rect. No.80 Killa No.7 for the purpose of its use as a playground cannot be accepted as a writ of *mandamus*, can be issued if there is a legal right vested with the petitioner and

there is a corresponding duty of the respondents to discharge the said right but the petitioner has failed to show that he has a legal right for the purpose of allotment of a particular killa number specially when the Forest Department has reported that Rect. No.80 Killa No.7 falls in PLPA 1900 (Section-4), which is applicable to Tehsil Sohna and District Gurugram, under which the felling of trees is forbidden.

Thus, in view of the aforesaid facts and circumstances, we do not find any merit in the present petition for the purpose of interference and hence, the same is hereby dismissed, though without any order as to costs.

(Rakesh Kumar Jain)
Judge

July 24, 2019
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(Avneesh Jhingan)
Judge

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