

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

CWP No.753 of 2015(O&M)
DATE OF DECISION:15.01.2019

Gram Panchayat village Liwan

...Petitioner

Vs.

The State of Haryana & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional A.G., Haryana.

Mr. Tarun Sharma, Advocate for
Mr. P. S. Jammu, Advocate
for respondent Nos.4 & 5.

MAHESH GROVER, J. (Oral)

This petition has been filed by the Gram Panchayat of village Liwan alleging that land reserved for a cremation ground and a pond is being acquired by the State vide notifications dated 28.05.2010 and 27.05.2011. The respondents state that the land is required for construction of a road and in view of the land reserved for cremation ground and a pond alternative land has been made available in Khasra/Killa No.15//22, 23. The site plan has also been produced on record. The Municipal Corporation despite being a party has neither denied this fact nor any counter affidavit has been filed by it, despite the fact that they have been appearing before us on several occasions.

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We have seen the site plan and are of the opinion that the land sought to be acquired is extremely relevant for the purpose of constructing the road. Since an alternate land has been provided and the acquisition does not seem to suffer from any infirmity as none has been pointed out and further noticing the fact that the area sought to be acquired is integral to the construction of the road, we would decline interference any further as the entire project has been held up since 2016 and the petition was initiated by the Gram Panchayat even though it has no locus considering the fact that land has already passed on to the Municipal Corporation. Petition is, therefore, dismissed but the respondents-State is bound to the contents of the affidavit filed before us in immediately making a site for cremation ground available to the Municipal Corporation which in turn is bound to a mandate of this Court that the Cremation ground shall be made functional by providing necessary infrastructure within a period of four months from the date of getting possession from the State which shall be done instantaneously by the State. There is no need to pass a separate order in the application (i.e. CM No.7225-CWP of 2018) for impleadment. The same is also dismissed.

Dismissed.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

15.01.2019

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