

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 418 of 2017 (O&M)

Date of Decision: 30.01.2020

Prem Singh

...Petitioner

VERSUS

Sucha Singh Ladhar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Prem Singh, petitioner in person.

Ms. Deepali Puri, Addl. AG, Punjab.

Mr. Jagatvir Singh Dhindsa, Advocate
for Mr. Aalok Jagga, Advocate
for respondent no. 3.

Mr. K.B.S. Sodhi, Advocate
for respondents no. 4 and 5.

SURINDER GUPTA, J.

Petitioner alleges non-compliance of order dated 08.04.2016
passed in CWP-6672-2016, which reads as follows:-

“Having heard learned counsel for the petitioner and considering the fact that earmarking of a new site or shifting of Hadda Rori and Cremation Ground are essentially administrative issues to be resolved by the authorities, we dispose of this writ petition with a direction to the Deputy Commissioner, Jalandhar, District Development and Panchayat Officer, Jalandhar as well as the Senior Environmental Engineer of the Punjab Pollution Control Board, Jalandhar to visit the old and new sites and take necessary action after advance notice to the Gram Panchayat and residents of the village. It shall be appreciated if the final

decision is taken in the matter within a period of four months from the date of receiving a certified copy of this order.”

2. As per reply filed by the Deputy Commissioner, Jalandhar above order has been duly complied with. Paras 3 to 5 of the reply to this effect read as follows:-

“3. That in compliance of the above-mentioned order dated 08.04.2016 passed by this Hon’ble Court, the Deputy Commissioner, Jalandhar along with District Development and Panchayat Officer, Jalandhar and Senior Environmental Engineer, Punjab Pollution Control Board, Jalandhar visited village Gehlaron on 17.06.2016, visited the sites in the village and directed calling for general session of the village and passing resolution regarding changing the cremation ground and Hadda Rori. In pursuance to the directions issued by the deponent, the general session of gram sabha of the village was called on 25.06.2016 and it was resolved that the cremation ground of the scheduled caste category may be allowed to run at the existing place and the same may not be transferred to a new place. It was further resolved that Hadda Rori of the gram panchayat may be transferred to the agricultural land belonging to the gram panchayat measuring 30 kanals 6 marlas and situated in Khatauni No. 443 Khasra no. 25. After going through the resolution passed by the panchayat, the deponent has passed order dated 25.07.2016. True and

translated copy of the said order dated 25.07.2016 passed by the deponent is already attached with the present petition as Annexure P-3.

4. *That it is further submitted that the gram panchayat Gehlaron has passed the resolution dated 08.11.2017 whereby a demand was made to the government through the Block Development and Panchayat Officer, Bhogpur for release of necessary funds under the Manrega Scheme for the construction of boundary wall around the place earmarked for 'Hadda Rori' of the village. In pursuance to said resolution dated 08.11.2017, the government released a grant of Rs. 83000/- under the NREGA Scheme to the gram panchayat. Thereafter, the construction of boundary wall has been completed by the gram panchayat and a resolution dated 23.01.2018 was passed by the gram panchayat to the said effect. As such, the place earmarked for Hadda Rori of the village has been secured. True and translated copy of the said resolution dated 23.01.2018 is attached herewith as Annexure R-2/1.*
5. *That it is humbly submitted that the Gram Sabha in its general session held on 25.06.2016 has decided that the cremation ground belonging to SC category may be allowed to run at the existing place and the same may not be transferred to some new place. It has further been unanimously resolved that the place meant for 'Hadda*

Rori' of the village may be transferred in the agricultural land belonging to gram panchayat measuring 6 marlas and situated in Khatauni No. 423 Khasra no. 25. Further, the District Development and Panchayat Officer, Jalandhar and Senior Environmental Engineer, Punjab Pollution Control Board, Jalandhar had also agreed to both the proposals sent by the panchayat by passing a resolution. It is on the basis of above said resolution passed by the gram panchayat as well as satisfaction expressed by both the authorities that the deponent has passed order dated 25.07.2016. Thereafter, the construction of boundary wall has been completed by the gram panchayat around the place earmarked for Hadda Rori of the village."

3. The petitioner has his grievance regarding retention of cremation ground at the place it exists and has tried to find fault with the action taken by the respondents on this ground. He has, however, not disputed that as per order dated 08.04.2016 passed in CWP-6672-2016 necessary compliance has been made.

4. If the petitioner is not satisfied with mode of compliance he has separate remedy to avail. Order dated 08.04.2016 passed in CWP-6672-2016 has been complied with, as such, no further action is required to be taken in this petition.

Dismissed.

January 30, 2020

jk

(SURINDER GUPTA)
JUDGE

<i>Whether Reportable:</i>	<i>Yes/No</i>
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