

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 5232 of 2020 (O&M)

Date of Decision: 27.02.2020

GRAM PANCHAYAT, PHAGGAN MAJRA, TEHSIL AND DISTRICT
PATIALA, THROUGH ITS SARPANCH S. SUKHWINDER SINGH SON OF
S.PAL SINGH

...*Petitioner*

VS.

STATE OF PUNJAB THROUGH ITS SECRETARY, DEPARTMENT OF
RURAL DEVELOPMENT AND PANCHYATS, PUNJAB, CIVIL
SECRETARIAT, CHANDIGARH AND OTHERS

....*Respondents*

ORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. R.S. Manhas, Advocate
 for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed by the Gram Panchayat, Phaggan Majra, Tehsil and District Patiala, for the issuance of a writ in the nature of *certiorari* for quashing of the resolution dated 16.11.2016 (Annexure P-4) passed by it and order dated 03.03.2017 (Annexure P-9) passed by respondent No. 2, approving the exchange of land measuring 89 *kanal* 18 *marla*, belonging to the petitioner-Gram Panchayat with the land measuring 106 *kanal* and 15 *marla* offered by respondent No. 5.

Counsel for the petitioner has submitted that the impugned resolution and order were earlier challenged by way of a writ petition bearing CWP No. 12023 of 2017 titled as Kuldeep Singh Nihang and Another Vs. State of Punjab and Others purported to have been filed as Public Interest Litigation. The said writ petition was dismissed on 08.01.2020 by the

co-ordinate Bench of this Court. Relevant extract of the said order reads as under:-

“X X X X X X Xwe are of the considered opinion that there is nothing on record to establish that the impugned order of exchange passed by the authorities suffers from any material illegality as it is based on the appreciation of the records submitted by the authorities and has been passed after following the due procedure prescribed by law as well as Rule 5 of Punjab Village Common Lands (Regulation) Rules 1964.

The petition filed by the petitioners being meritless is accordingly dismissed.”

The petitioner was the party to the aforesaid writ petition but despite that aforesaid order has been passed upholding the order impugned herein. If that is the position then the petitioner does not have the *locus standi* to challenge the resolution dated 16.11.2016 and order dated 03.03.2017 by way of a separate writ petition. The present petition is, thus, found to be misconceived and not maintainable and the same is hereby dismissed.

[RAKESH KUMAR JAIN]
JUDGE

February 27, 2020
Ess Kay

[ASHOK KUMAR VERMA]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No