

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.5869 of 2020 (O&M)

Date of decision: March 02, 2020

Parminder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

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

Present: Mr. Barjinder Singh, Advocate for
Mr. Arun Kumar Gupta, Advocate for the petitioners.

Rakesh Kumar Jain, J.(oral)

Petitioners have made a prayer for issuance of a writ in the nature of mandamus to direct respondent No.5 to immediately hold a meeting with respondent No.6 and select the beneficiaries for allotment of plots in terms of the order dated 30.01.2019 passed by respondent No.3.

In brief, the respondent No.6 Gram Panchayat filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short "the Act") before respondent No.4 for eviction of the petitioners from the land falling in Khasra Nos.16//8 (8-0), 16//13/2 (7-12), 11//23 (8-0), 16//3 (8-0), Khewat No.137/125, Khatauni No.167, situated in village Kot Panech, District Ludhiana as per Jamabandi for the year 2006-2007, alleging therein that the petitioners are in illegal occupation of the land in question which vests in respondent No.6 (Gram Panchayat). The said petition was allowed vide order dated 30.05.2013. The defence of the

petitioners was that they are the beneficiaries of the scheme for the purpose of allotment of 05 Marla plots each. The said contention of the petitioners was not accepted. The appeal filed by the petitioners was also dismissed on 30.01.2019 with the following observations:-

“Therefore, this plea of the appellants is not acceptable that they are eligible beneficiaries as per the recommendation of S.D.M./ Committee Members and government scheme. Therefore, while upholding the order passed by the lower court, I hereby dismiss the appeal.”

Learned counsel for the petitioners has submitted that the appellate authority has also passed the order which read as under:-

“Keeping in view the natural justice and public interest, a direction is given to Block Development and Panchayat Officer, Khanna to immediately hold a meeting with Gram Panchayat on receipt of this order and select the eligible beneficiaries and after verifying the beneficiaries found eligible by the Panchayat, the Block Development and Panchayat Officer, Khanna will send his recommendation to his higher official/committee for allotment of plots.”

On the strength of the aforesaid observation of the appellate authority, by which the Block Development and Panchayat Officer was directed to immediately hold a meeting with the Gram Panchayat, the petitioners have approached this court for directing respondent No.5 to immediately hold a meeting as directed.

We have heard counsel for the petitioners and are of the considered opinion that this petition on their behalf is totally misconceived and

not maintainable because in so far as the petitioners are concerned, their appeal has already been dismissed, vide order dated 30.01.2019 and the subsequent direction contained in the said order is not to allot the plots to them. Thus, the writ petition is found without any merit and same is hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

March 02, 2020
'Rajpal'

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