

**104+222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No.19272 of 2019 in/and
CWP No.20718 of 2019 (O&M)
Date of decision: 02.03.2020**

Naresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma**

Present: Mr. K.B.Sidhu, Advocate for
Mr. R.S.Mamli, Advocate
for the petitioner.

Mr. Samarth Sagar, Addl. Advocate General, Haryana.

Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for respondent No.6

Rakesh Kumar Jain, J. (Oral)

CM No.19272 of 2019

Prayer in this application is for placing on record replication.

Application is allowed. Replication is taken on record.

CWP No.20718 of 2019 (O&M)

This petition is filed for seeking an appropriate direction to the respondents much less the Gram Panchayat not to allow any kind of constructions in the land of Johar in order to change its nature.

After notice, respondents have put in appearance and reply has been filed on behalf of respondent No.6.-Gram Panchayat. Para 2 of the reply read as under:-

“That picture given is absolutely wrong. Infact,

Gram Panchayat has never misused the Gram Panchayat Johar rather Gram Panchayat has made all sincere efforts in complying with the rule 3 of the Punjab Village Common Land (Regulations) Rules, 1964 to utilize the resources for the welfare of the village. It is worthwhile to point out here that area in which Chaupal is to be constructed, stands already regulated by virtue of development because resolutions were duly passed by the Panchayat Samiti because total land of the Johar was 16 kanal 18 marla and there was abutting land i.e. 11 marla Gair Mumkin Tatiyan and other 7 marla land abutting to it. Valid resolution was passed by the Gram Panchayat on 12.04.2018 wherein there is no reduction in the area of the Johar. In order to clear the picture which has been deliberated, resolution of the Gram Panchayat is appended herewith as Annexure R-6/2 for kind perusal. Approval by the Panchayat Samiti is appended herewith as Annexure R-6/3 wherein it was pointed out that abutting the Johar, 25 marla land is available which was included in the Johar and from Johar area, construction was made. This thing is further fortified by Sizra copy of which is appended herewith as Annexure R-6/4 and the Jamabandi is appended herewith as Annexure R-6/5 for kind perusal.”

Counsel for the State has submitted that land of the Johar has not been touched and the area has not been reduced.

After hearing counsel for the parties and keeping in view the aforesaid facts and circumstances, we do not find any reason to further

interfere in this petition and hence the writ petition is dismissed as infructuous in view of the averments made in the reply as stated hereinbefore.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

02.03.2020
hemlata

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