

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20347-2020(O&M)
Date of Decision: 27.11.2020

Gram Panchayat Modia Khera

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH.
HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Deepak Kaushal, Advocate for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

RAJESH BHARDWAJ.J

The petitioner Gram Panchayat of village Modia Khera has filed the instant writ petition praying for the issuance of a Writ of Mandamus directing the respondents to provide police help for constructing the boundary wall over the land measuring 2 ½ acres comprised in khasra no.323 situated at village Modia Khera, Tehsil & District Sirsa, which has been leased out by the petitioner Gram Panchayat in favour of Education Department, Govt. of Haryana for the upgradation and extension of Govt. High School.

As per the contentions, petitioner Gram Panchayat is in possession of the land measuring 29 kanal 12 marla comprised in khewat no.748, khata no.1028, khasra no.323 vide fard jamabandi for the year 2012-13 situated at Village Modia Khera, Tehsil & District Sirsa. It has been contended that on the request of the Education Department for the upgradation and extension of Govt. School the petitioner Gram Panchayat passed a resolution in the year 2016 to transfer its 2 ½ acre of land by way of lease in favour of Education Department, Haryana. The resolution was

passed so as to enable the upgradation of the existing school to impart education up to 10+2 standard. The resolution was forwarded to Director, Panchayats for according sanction under the provisions of the Punjab Village Common Lands Act. Vide its letter dated 6.9.2018 the Director, Secondary Education, Haryana accorded sanction to use the *shamlat* land of Gram Panchayat, Modia Khera measuring 2 ½ acres for Govt. Senior Secondary School in the name of Education Department on lease. In pursuance to the same, demarcation of the land was made by Tehsildar, Sirsa and the petitioner Gram Panchayat started constructing the boundary wall in the first week of April, 2020. It has further been contended that after completion of about 3/4th portion of boundary wall some persons started creating hindrances in the ongoing construction and obstructed the work. Upon this the Gram Panchayat passed a resolution and requested S.D.O (Civil), Sirsa through the B.D.P.O., Nathusari Chopta for providing police help for coming over the difficulty faced. However, no action was taken by the competent authorities. The petitioner then filed an application dated 6.11.2020 to Deputy Commissioner, Sirsa and requested for providing the police help as already prayed. Despite all these efforts the request of the petitioner Gram Panchayat fell in deaf ears and hence the petitioner Gram Panchayat approached this Court for the issuance of necessary directions.

Having heard counsel for the petitioner, Mr. Raman Sharma learned Addl. A.G., Haryana was asked to verify the facts and the present status.

Mr. Sharma on instructions from Mr. Pradeep Kumar, Deputy Commissioner, Sirsa informs the court that Mr. Vivek Kumar, B.D.P.O, Nathusari Chopta was appointed as Duty Magistrate for providing

assistance regarding construction on 9.11.2020 but the said officer could not carry out the necessary action because of some emergent duties. Learned State counsel further submits that now the said officer has again been deputed for exercising the duties of Duty Magistrate on 14.12.2020 and assures the court that on the said date needful shall be done and the grievance of the petitioner Gram Panchayat shall be redressed.

In view of the categoric stand taken on behalf of the State counsel on the basis of instructions received from the Deputy Commissioner, Sirsa/respondent no.3, instant writ petition is disposed of accordingly.

(JASWANT SINGH)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

27.11.2020

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