

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-36259-2019

Date of Decision: 14.01.2020

Jitender Pal

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

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

Present: - Mr.Fateh Saini, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner, being a resident of the Village Datta, is aggrieved against the resolution passed by the Gram Panchayat, Datta on 29.01.2019 (Annexure P-4) and the lease deed executed on the basis of the resolution on 09.04.2019 (Annexure P-5), had approached this Court earlier by way of CWP-22279-2019 which was disposed of on 03.09.2019 with the following order: -

“Counsel for the petitioner prays for withdrawal of the present petition in order to challenge the resolution in accordance with law as according to him the said resolution can be challenged under the provisions of the Haryana Panchayati Raj Act, 1994.

Dismissed as withdrawn. Liberty Granted.”

Pursuant thereto, the petitioner made a representation much less in terms of Section 47 of the Haryana Panchayati Raj Act, 1994 [for short ‘the Act’] to the Director, Panchayats Haryana on 31.10.2019. Since the petitioner has not been called upon by the Director, Panchayats Haryana to

make an enquiry about the representation made by him, he has approached this Court again by way of this petition for seeking a writ in the nature of certiorari for quashing the impugned resolution and the lease deed and also for a writ in the nature of mandamus to direct the respondents not to allow the change of use of the johar bearing khasra No.320/26 (101 Kanal 19 marla).

Counsel for the petitioner has submitted that he would be satisfied if an appropriate direction is issued by this Court to direct the Director Panchayats, Haryana to decide the representation/petition filed under Section 47 of the Act expeditiously, after affording an opportunity of hearing and in accordance with law.

Since the prayer made by the petitioner is innocuous as he is only asking for a direction to the Director Panchayats, Haryana to take a decision on his representation (Annexure P-14), we do not find any necessity to issue notice to the respondents at this stage and the writ petition is hereby disposed of with a direction to the Director Panchayats, Haryana to decide, either way, the representation made by the petitioner dated 31.10.2019 (Annexure P-14) expeditiously but preferably within a period of one month from the date of receipt of certified copy of this order, after affording an opportunity to all the parties concerned by passing a speaking order, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

14.01.2020

Vivek

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