

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 36415 of 2019

Date of Decision: 13.01.2020

**GRAM PANCHAYAT, RAJGARH DHOBI, TEHSIL NARWANA,
DISTRICT JIND**

..... Petitioners

V/s.

**STATE OF HARYANA THROUGH ITS ADDITIONAL CHIEF
SECRETARY, PANCHAYAT DEVELOPMENT DEPARTMENT,
HARYANA, CIVIL SECRETARIAT, CHANDIGARH AND OTHERS**

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MS. JUSTICE ALKA SARIN.**

Present: Mr. Rakesh Nagpal, Advocate,
 for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner-Gram Panchayat has prayed for the issuance of a writ in the nature of certiorari for the quashing of order dated 06.08.2018 (Annexure P-5) by which the representation made by it has been declined.

In brief, the petitioner had earlier filed a writ petition before this Court, bearing CWP No. 13155 of 2018, in which prayer was made for the issuance of a direction to the Director, Consolidation, Haryana to consider and decide the representation submitted by the petitioner on 22.02.2018. The said petition was disposed of by this Court vide order dated 23.05.2018 with a direction to the Commissioner, Hisar Division, Hisar to consider and decide the representation expeditiously, exercising the powers of the Director Consolidation, Haryana, preferably within a period of three months. The said application has been considered and rejected vide order dated 06.08.2018 (Annexure P-5) and hence, the present petition has been filed.

Counsel for the petitioner has submitted that the scheme under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short "the Act of 1948") was framed on 29.06.1963 as per which 531 Kanal and 17 Marla of the land was reserved for the common purposes. The grievance of the petitioner is that the said scheme has not been implemented because some area of the land which was reserved for common purposes is under unauthorized possession of certain persons. The petitioner has admittedly filed an application under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 (for short "the Act of 1961") regarding 110 Kanal of the land before the Assistant Collector, Ist Grade, Narwana, which was allowed on 28.08.2009. The appeal filed against the said order was dismissed by the Collector on 08.03.2011. The private persons filed the revision petition bearing 8927 of 2011 which was allowed and the matter was remanded back to the Collector by the Commissioner vide its order dated 15.09.2016 for fresh decision. In the meantime, petitioner made a representation dated 21.03.2018 for implementation of the scheme dated 29.06.1963. Since, representation was not decided, therefore, CWP No. 13115 of 2018 was filed before this Court and ultimately impugned order dated 06.08.2018 has been passed by the Commissioner, Hisar Division, Hisar.

Counsel for the petitioner, instead of assailing the validity of the impugned order, has made a request at the Bar that the prayer made in the writ petition may be confined to a direction to be issued to the Collector, who is allegedly seized of the matter pending under Section 7 of the Act of 1961, after the remand order dated 15.09.2016, to decide the same as expeditiously as possible but preferably within two months.

Keeping in view the innocuous prayer made by counsel for the petitioner, we do not find any necessity to issue notice to the respondents and hereby dispose of the present petition with a direction to respondent No. 3-District Collector-cum-Deputy Commissioner, Jind to decide the matter pending before him, by way of an appeal after the order of remand dated 15.09.2016 passed by the Commissioner, Hisar Division, Hisar, as expeditiously as possible but preferably within a period of two month from the date of receipt of certified copy of this order.

[RAKESH KUMAR JAIN]
JUDGE

January 13, 2020

Ess Kay

[ALKA SARIN]
JUDGE

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