

CWP-5512-2021

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

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CWP-5512-2021

DATE OF DECISION: MARCH 09, 2021

HARBANS SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner, who asserts himself to be proprietor of the village, has approached this Court with a grievance that the Gram Panchayat land is being given out to respondent No.6, who is a builder for carrying out the construction on the land, which could not have been so used. He further asserts, with reference to the jamabandi, copies of which have been appended as Annexure P-1, that the land belongs to the Gram Panchayat and one of the Panches of the Gram Panchayat, in connivance with respondent No.6 and certain Government officials, is bent upon to change the nature of the land belonging to Gram Panchayat, which is not permissible in law. In support of this assertion, reliance has been placed upon the judgment passed by Hon'ble Supreme Court in Civil Appeal No.821 of 2004 (Meghwal Samaj Shiksha Samiti Vs. Lakh Singh and others), decided on 17.02.2011

(Annexure P-2) followed by a Division Bench judgment of this Court in Civil Writ Petition No.3221 of 2011 (Rajpal and another Vs. State of Haryana and others), decided on 22.11.2012 (Annexure P-4). His assertion is that the petitioner had been approaching the Block Development and Panchayat Officer, District Ludhiana, as well as the Deputy Commissioner, Ludhiana, respondent Nos.3 and 2 respectively but without any result. The latest representation, which has been submitted by the petitioner to the Deputy Commissioner, Ludhiana-respondent No.2 is dated 19.02.2021 (Annexure P-3), which also has not been responded to.

Counsel for the petitioner submits that the petitioner at this stage would be satisfied if a direction is issued to respondent No.2-Deputy Commissioner, Ludhiana, to consider and take a decision on the representation dated 19.02.2021 (Annexure P-3) submitted by the petitioner and decide the same within some specified time.

Keeping in view the assertions made in the present petition, we, at this stage, deem it appropriate to dispose of the writ petition by issuing direction to the Deputy Commissioner, Ludhiana-respondent No.2 to consider and decide the representation dated 19.02.2021 (Annexure P-3) submitted by the petitioner, by taking into consideration the judgments as relied upon and referred to above, within a period of three weeks from the date of receipt of copy of this order.

It would be open to the Deputy Commissioner, Ludhiana, to maintain status-quo on the land in question, if some substance is found therein prior to taking final decision on the representation of the petitioner.

A speaking order be passed by the Deputy Commissioner, Ludhiana, within the time stipulated above and convey order to the petitioner forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 09, 2021
khurmi

(ASHOK KUMAR VERMA)
JUDGE

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