

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

CWP-6486-2020 (O&M)
Date of decision:- 08.11.2021

Sandeep and another

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Baljeet Beniwal, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Sanjay Vashisth, Advocate,
for respondent No. 6.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioners being aggrieved by an order dated 04.12.2019 (Annexure P-2) passed by the Haryana Human Rights Commission, Chandigarh, whereby it has directed the Block Development and Panchayat Officer, Tehsil Kalayat, District Kaithal to take necessary steps within two months so that the cremation ground in question can be used by local residents of Village Kamalpur, Tehsil Kalayat, District Kaithal.

The dispute raised in the present petition relates to the land bearing Khasra No. 133 which is reserved for Kohlu under the consolidation scheme and the land bearing Khasra Nos. 183-184 which is reserved for marian i.e. cremation ground.

Learned counsel appearing for the petitioners contends that the land bearing Khasra No. 133 which is reserved for Kohlu should not be permitted to be used as a cremation ground.

Learned counsel appearing for respondent No. 6, however, contends that the land bearing Khasra No. 133 may be permitted to be used as a cremation ground since it is being used as such for several years and a resolution to that effect has also been passed by the Gram Panchayat, Kamalpur, Tehsil Kalayat, District Kaithal.

Apparently, the issue in question and the dispute arising between two groups of villagers has to be dealt with and decided in accordance with the provisions of the Punjab Village Common Lands (Regulation) Act, 1961 (in short the 1961 Act) and the Punjab Village Common Lands (Regulation)

Rules, 1964 (in short the 1964 Rules) framed thereunder (as applicable to the State of Haryana). The statutory authority for deciding the dispute has also been prescribed therein. From a bare perusal of the provisions of the Protection of Human Rights Act, 1993, it is crystal that the Commission had no role to play in the matter. Evidently, no issue of human rights was involved either. It is also undisputed that Gram Panchayat, Kamalpur, Tehsil Kalayat, District Kaithal, in accordance with the provisions of Rule 5 of the 1964 Rules, initiated the process for exchange of land in accordance with law.

On a specific question and query being put to learned counsel for the respondent No. 6 that given the nature of dispute under which provision of law respondent No. 6 could approach the Haryana Human Rights Commission for redressal of his grievance; as to how the order passed by the Commission was within jurisdiction and what was the human right violation that was sought to be canvassed before the Commission, he fairly submits that he could refer to none.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana submits that the authorities concerned are already seized of the matter. He submits that the Gram Panchayat, Kamalpur, Tehsil Kalayat, District Kaithal and the authorities concerned would deal with the matter strictly in accordance with law as contained in the provisions of the 1961 Act and shall decide the same expeditiously taking the resolution passed by the Gram Panchayat and other factual aspects into consideration.

In view of the conceded position, referred to above, we are of the considered opinion that the impugned order dated 04.12.2019 (Annexure P-2) passed by the Haryana Human Rights Commission cannot be sustained being without jurisdiction.

Accordingly, the impugned order dated 04.12.2019 (Annexure P-2) passed by the Haryana Human Rights Commission is set aside and the petition is disposed of in terms of the aforesaid statements made by learned counsel for the parties.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

08.11.2021
Amodh

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