

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
110 (PROCEEDINGS THROUGH V.C.)**

CWP-15149-2021

Date of decision:21.09.2021

SHAMSHER SINGH WALIA AND ANOTHER

...PETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Manpreet Singh Longia, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab,
for the State.

Mr. Munish Jolly, Advocate,
for the respondent No. 7.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court by way of present writ petition seeking quashing of the order dated 03.08.2018 (Annexure P-5) passed by the Financial Commissioner, Government of Punjab, Department of Rural Development and Panchayats-respondent No. 1 approving and according sanction to the Resolution dated 16.04.2017 (Annexure P-2) passed by the Gram Panchayat Drari/Derri, Tehsil and District Mohali-respondent No. 7, whereby Panchayat land has been leased out for 33 years to M/s Sunny Lovely Developers-respondent No. 8 for land scaping and construction of park which is against the provisions of Rule 6 of the Punjab Village Common Land (Regulations) Rule, 1964, which is not being used for the said purpose and is rather being utilized for the purpose of construction of parking and roads etc. It has been asserted that the purpose, for which the land has been given on lease, is not permissible as per the

Policy of the Government and in any case, assuming the said purpose is within the parameters of the Policy, the misuse thereof and not utilizing it for the purpose, for which it has been given, amounts to violating the terms and conditions of the lease rendering the lease liable to be cancelled.

Highlighting this aspect, petitioners had been approaching the respondents and a representation dated 23.02.2021 (Annexure P-13) has been submitted to respondents No. 2 to 6. Counsel for the petitioners states that no decision on the said representation, till date, has been taken by the said respondents.

Counsel for the State has objected to the very maintainability of the writ petition, which we do not accept at this stage and we direct the official respondents to consider the said representation dated 23.02.2021 (Annexure P-13) submitted by the petitioners and take a decision thereon by passing a speaking order dealing with each and every aspect and ground raised in the said representation.

It would be open to the competent authority to give opportunity to the petitioners as well as the others involved in the process. The decision on the representation of the petitioners be taken within a period of four weeks' from today. The decision, so taken, be conveyed to the parties forthwith.

Writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

September 21, 2021
pj

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