

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

115

CR-1769-2021 (O&M)

Date of decision: 30.11.2021

GRAM PANCHAYAT OF VILLAGE RAIPUR NANGAL..Petitioner

Versus

GRAM PANCHAYAT OF VILLAGE RAIPUR MAJRA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. BK Mehta, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. AG, Punjab.

ANIL KSHETARPAL, J (Oral)

The defendant assails the correctness of the orders passed by the trial Court as well as the First Appellate Court while granting temporary injunction restraining the petitioner from changing the nature of the property.

In essence, the dispute is that the Gram Panchayat, Raipur, has now been divided and two new Gram Panchayats have been created from it. Accordingly, the common land located in the old village Raipur is required to be divided/apportioned. A suit was filed by Gram Panchayat, Raipur Majra, for the same.

On 15.11.2021, the following order was passed:-

“The two Gram Panchayats are fighting litigation on account of inaction on the part of the Director, Department of Rural Development and Panchayat, Punjab.

Initially, there was only one village Raipur, however, subsequently, it was divided into two villages. The dispute is with regard to the apportionment of the common land between the two Gram Panchayats of the said villages.

The plaintiff claims that till the common land is

apportioned by the Director, the nature of property should not be permitted to be changed.

Both the Courts have restrained the defendant (petitioner herein) from changing the nature of the property.

Keeping in view the aforesaid facts, Sh. Ayush Sarna who represents the State of Punjab is requested to take instructions from the Director.

Sh. B.K. Mehta, Advocate has been requested to supply a copy of the complete paper-book to Sh. Ayush Sarna, Assistant Advocate General, Punjab.

Adjourned to 22.11.2021.”

Learned State counsel, on instructions from Sh. Darshan Singh,

BDPO, Balachaur, has stated that the process of dividing/partitioning the common land between the newly created Gram Panchayats shall be completed within a period of three weeks from today, positively.

Keeping in view the aforesaid facts, the present petition is disposed of with liberty to the petitioner to file an application for modification/vacation/recall of the interlocutory order after the competent authority passes the order for apportioning/dividing the land.

All the pending miscellaneous application(s), if any, are also disposed of.

30.11.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE