

CWP No.21886 of 2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21886 of 2021
Date of decision : 29.10.2021

Radha Krishan & another

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'B;E MR JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rai Singh Chauhan, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with a grievance that the plots which are being sought to be allotted to the landless persons of the village as per the decision dated 01.10.2021 primarily calling upon to give effect to the instructions dated 17.04.2001, as amended from time to time, stand violated by the resolution which has been passed by the Gram Panchayat and forwarded to the Deputy Commissioner, Fazilka – respondent No.3. Counsel contends that the land, which is being sought to be used for allotment of the 5 marla plots under the said scheme, is *jumla mustarka malkan* land, whereas, as per the policy itself as also Rule 13-A of the Punjab Village Common Lands (Regulation) Rules, 1964, it can only be a *shamlat deh* land. The requirement of the sanction from the Government is very much provided therein apart from the other procedure which is required to be followed. Highlighting this aspect, petitioners have

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submitted a detailed representation dated 22.10.2021 (Annexure P-5) to the respondents.

Counsel for the petitioners states that the petitioners, at this stage, would be satisfied if a direction is issued to the Deputy Commissioner, Fazilka, District Fazilka – respondent No.3 to consider and decide their representation dated 22.10.2021 (Annexure P-5) within some specified time.

In the light of the statement made by the counsel for the petitioners, we dispose of the present writ petition without going into the merits of the case or commenting thereon, with directions to the Deputy Commissioner, Fazilka, District Fazilka – respondent No.3 to consider and decide the representation dated 22.10.2021 (Annexure P-5) within a period of six weeks from the date of receipt of certified copy of this order.

The decision so taken be conveyed to the petitioners forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 29th, 2021
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No