

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

**1. CR-1783-2013(O&M)
Date of decision: 21.01.2022**

MOHAN LAL AND ORS

..Petitioners

Versus

GRAM PANCHAYAT NANGAL KHURD & OTHERS

..Respondents

2. CR-1784-2013(O&M)

DHARAM KAUR AND ORS

..Petitioners

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

3. CR-1785-2013(O&M)

SURESH KUMAR

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & OTHERS

..Respondents

4. CR-1786-2013(O&M)

NARESH KUMAR

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

5. CR-1787-2013(O&M)

ISHWAR

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

6. CR-1788-2013(O&M)

RAMESH

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

7. CR-1789-2013(O&M)
JAI PAL
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioner
..Respondents

8. CR-1790-2013(O&M)
RICHHPAL AND ORS
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioners
..Respondents

9. CR-1791-2013(O&M)
RAN SINGH
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioner
..Respondents

10. CR-1792-2013(O&M)
BALWAN
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioner
..Respondents

11. CR-1793-2013(O&M)
ROHTASH
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioner
..Respondents

12. CR-1794-2013(O&M)
RAMEHAR
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Petitioner
..Respondents

13. CR-1795-2013(O&M)
BALLO
..Petitioner
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

14. CR-1796-2013(O&M)
GOMTI AND ORS
..Petitioners
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

15. CR-1797-2013(O&M)
RAM RATI AND ORS
..Petitioners
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

16. CR-1798-2013(O&M)
JITENDER
..Petitioner
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

17. CR-1799-2013(O&M)
JAGAN
..Petitioner
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

18. CR-1800-2013(O&M)
RAMO AND ORS
..Petitioners
Versus
GRAM PANCHAYAT NANGAL KHURD & ANOTHER
..Respondents

19. CR-1801-2013(O&M)

CHATTAR SINGH

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

20. CR-1802-2013(O&M)

RICHHPAL

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

21. CR-1803-2013(O&M)

RANDHIR

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

22. CR-1804-2013(O&M)

AZAD

..Petitioner

Versus

GRAM PANCHAYAT NANGAL KHURD & ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mani Ram Verma, Advocate
for the petitioner(s) (In CR-1784, 1785, 1787 to 1789,
1792, 1794 to 1801, 1803 and 1804 of 2013).

Mr. D.R. Bansal, Advocate
for the petitioner(s) (In CR-1783, 1786, 1790, 1791, 1793
and 1802 of 2013).

Mr. Manvender Chauhan, Advocate
for the respondent-Gram Panchayat.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

ANIL KSHETARPAL, J.

This judgment shall dispose of a bunch of civil revision
petitions filed under the Article 227 of the Constitution of India. The

Various petitioners assail the correctness of identically worded separate

orders passed by the learned Additional Civil Judge, Senior Division, Sonapat on 25.09.2012, while disposing of objection petition filed by the judgment debtor in the execution proceedings.

Some peculiar facts are required to be noticed.

As many as 146 villagers filed a suit for grant of a decree of declaration and mandatory injunction claiming title over the land which was allegedly allotted to them for being used as manure pits vide resolution of Gram Panchayat dated 30.08.1994. In the suit, there were two defendants namely the Gram Panchayat through its Sarpanch and Hawa Singh, Ex-Sarpanch of the village. It may be noted here that the suit was disposed of as a statement was made on behalf of the Gram Panchayat that it will have no objection to the permission is granted by the Administration to the Gram Panchayat with regard to the usage of the allotted area i.e. the said land as manure pits. The copy of the statement of Amar Singh, Sarpanch is extracted as under:-

“It is stated that the Gram Panchayat, Nangal Khurd, will have no objection to the permission granted by the Administration to the Gram Panchayat with regard to manure pits. They have no objection to the details of manure pits given in the resolution. Lok Adalat may decide the matter accordingly. (or words to that effect).”

The suit was disposed of on 17.11.2006, with the following order:-

“Heard. The suit stands disposed of as per the statement of the parties. Parties are bound with their statements and to bear their own costs. Decree sheet be drawn accordingly and file be consigned to the record room.

Announced in open court. Sd/-

*Dated 17.11.2006 Addl. Civil Judge (Sr. Division)
Sonapat.”*

The plaintiffs filed the execution petitions which were dismissed as premature by the Executing Court on 17.12.2009. It may be noted here that the Executing Court noticed that no permission from the

appropriate Government, for allotment of the land for its usage as manure pits has been received. The correctness of the aforesaid order was assailed by filing Civil Revision Nos. 1600 to 1603 of 2010, which were subsequently dismissed as withdrawn with liberty to the petitioner to go back to the Executing Court. Thereafter, certain plaintiffs filed fresh execution applications, whereas, others filed applications for review of the order dated 17.12.2009. The Executing Court has disposed of all the execution petitions vide an order dated 25.09.2012.

At this stage, it is significant to note that as per Rule 8 of The Punjab Village Common Lands (Regulation) Rules, 1964, the Gram Panchayat may, if necessary, earmark suitable piece of land to be used as manure pits by the inhabitants of the village on such nominal charges as may be fixed by it. No doubt, the Rules give discretion to the Panchayat to exempt the payment of the such charges with respect to a member of the Scheduled Caste or Backward Classes, any other landless labourer or a tenant. Rule 8 is extracted as under:-

“8. (1) The land in Shamilat deh declared by the Panchayat by a resolution in writing, as pasturable may be utilized by the residents of the village for :-

(a) grazing purposes; or

(b) collecting dry fuel-wood from the jungle on terms laid down by the Panchayat.

(2) Open spaces near the abadi deh may, with the previous permission of the Panchayat and in the manner laid down by it be utilized by the inhabitants of the village for threshing the harvests.

(3) 2 [Omitted].

(4) The Panchayat may, if necessary, earmark suitable land for use as manure pits by the inhabitants of the village on such nominal charges as may be fixed by it :

Provided that the Panchayat may exempt a member of Scheduled Caste or Backward Class or any landless labourer or tenant, on the grounds of poverty from the payment of such charges.”

The Gram Panchayat has taken a stand that the previously earmarked piece of land vide resolution dated 30.08.1994, was in fact reserved for a pond in the village, therefore, the previous resolution was cancelled vide resolution dated 06.12.1997. On 20.08.2014, a fresh resolution has been passed assigning a different parcel of land measuring 18 acres of land for being used as manure pits by the inhabitants of the village.

Now, during the pendency of these revision petitions, the Block Development and Panchayat Officer, Murthal, on the direction of the Court, filed an affidavit dated 29.11.2021, asserting that the Gram Panchayat Nangal Khurd accepted resolution No.2, dated 20.08.2014, passed by the Village Gram Sabha which was signed by more than 500 persons/villagers. In this resolution, the Gram Panchayat as well as Gram Sabha earmarked and reserved 18 acres of different parcel of land for being used as manure pits by all the residents of the village. Since then, the aforesaid land is being used as manure pits by all the inhabitants of the village including the petitioners herein.

In CR-1783-2013, the petitioner Ishwar Singh son of Sh. Jagan Singh has filed objections assailing the correctness of status report filed by the Block Development and Panchayat Officer. It has been alleged that the resolution of the Gram Sabha has not been placed on the record and no demarcation with respect to the individual plots allegedly allotted to the inhabitants has been produced. In order to verify the correctness of the objection, the resolution book of the Gram Panchayat has been produced in which the Gram Panchayat under the chairmanship of the Sarpanch Smt. Pushpa Devi vide resolution No.1, dated 20.08.2014, confirmed the decision of the Gram Panchyat with respect to earmarking of the allotted land for

manure pits. It has been noticed that the decision of the Gram Sabha to earmark 66 square yard plot each for 592 residents has been approved. The learned counsel representing the petitioners do not dispute that petitioners have also been allocated the land. It may be noted here that there is a specific reference to a particular piece of plot comprised in rectangle and killa numbers.

Now, keeping in view the aforesaid facts, the question that arises for adjudication is:

Whether this Court should exercise jurisdiction under Article 227 of the Constitution of India or not?

It may be noted here that the strong argument of the learned counsel representing the various petitioners is that in case where a decree passed by the Court has become final, the Court in that particular case was bound to implement a decree.

Per contra, the learned counsel representing the Panchayat has contended that the ownership of the land earmarked for manure pit is never transferred. The learned counsel contends that the Panchayat only grants permission to use certain specified plot of land for being used as a manure pit on the payment of certain charges. He further contends that as per Rule 3, the Panchayat is entitled to prepare a land utilization plan and the petitioners have no right, title or interest in the land which was earlier earmarked.

First of all, it is to be noted that the then Sarpanch of the Gram Panchayat Village Nangal Khurd on 17.11.2016, specifically stated that the Panchayat will have no objection if the permission is granted by the Administration to the Gram Panchayat with regard to the manure pits.

Admittedly, no permission has been granted by the State Government as per

previous resolution. Furthermore, more than 7 years back, a resolution has been passed assigning various parcels of the land to as many as 592 residents of the village. The petitioners do not dispute that they are using the land which has been earmarked for being used as a manure pit. In such circumstances, the objection of the petitioner that no demarcation has been proved to show the allotment of a particular plot number pales into insignificance. It is evident that except the permission to use a particular parcel of land for the purpose of manure pit, no other right, title or interest is created . Hence, the resolution of the Panchayat as well as the stand taken by the Block Development and Panchayat Officer who is also an Administrator of Gram Panchayat Nangal Khurd are adequate to comply with the decree.

Keeping in view the aforesaid facts, no ground to exercise jurisdiction under Article 227 of the Constitution of India is made out.

Hence, all the revision petitions are disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

21st January, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No