

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

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Civil Writ Petition No.2924 of 2022
Date of Decision: February 15th, 2022

Gram Panchayat Behlolpur, Block Majri, District SAS Nagar

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ashish Pal Kaushal, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for issuance of a writ of mandamus directing the Commissioner, Panchayat Land, Mohali-respondent No.2 to consider and decide the application for transfer (Annexure P-5), which has been preferred for transfer of the petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '1961 Act').

2. The plea which is being asserted by the petitioner-Gram Panchayat is that the matter is already pending in an appeal before the Joint Development Commissioner exercising the powers of the appellate jurisdiction in Appeal No.224 of 2017 (Annexure P-4) preferred by the private respondents against an order dated 16.11.2017 (Annexure P-3) passed by the Collector, SAS Nagar. It is asserted that once the matter has already been decided, fresh application would not be maintainable with regard to the disbursement of the amount of compensation, which the Gram Panchayat has received in pursuance to the acquisition of a part of the land by the GMADA. The application moved by the private respondents for restraining the Gram Panchayat from utilizing

the same has already been dismissed and a fresh application for the same purpose would not be maintainable but respondent No.3 is bent upon taking a decision thereon afresh. Rather a decision has been taken restraining the Gram Panchayat from utilizing the said funds, which action on the part of respondent No.3 apparently is illegal and not sustainable. Gram Panchayat has, therefore, lost faith in the said officer and has moved an application for transfer of the petition under Section 11 of the 1961 Act.

3. This plea as taken by the Gram Panchayat in the present writ petition cannot be a ground for directing respondent No.2 to take a decision on the application for transfer preferred by them. The competent authority has to apply its own mind and take a decision thereon. We do not see any urgency in the matter, where a direction needs to be issued to respondent No.2 to decide the transfer application immediately.

4. The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 15th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No