

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

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Civil Writ Petition No.11006 of 2022
Date of Decision: August 3rd, 2022

Municipal Council, Mansa

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 21.01.2020 (Annexure P-1) passed by the Special Secretary-cum-Commissioner, Department of Rural Development and Panchayat, Punjab-respondent No.1, whereby the appeal preferred by the petitioner challenging the order dated 08.11.2013 (Annexure P-8) passed by the Collector-cum-Additional Deputy Commissioner (Development), Mansa, allowing the petition of Gram Panchayat, Jawaharke, Tehsil and District Mansa-respondent No.3, whereby the mutation sanctioned in favour of the petitioner has been set aside.

It is the contention of learned counsel for the petitioner that the land which is the subject matter of the present writ petition and the mutation was sanctioned has been included in the Nagar Council, Mansa. He contends that once the land has been included in the limits of Nagar Council, ownership on the said land of the Gram Panchayat ceases to exist. It is, therefore, asserted that the impugned orders dated 21.01.2020 (Annexure P-1) and 08.11.2013 (Annexure P-8) cannot sustain.

We have considered the submissions made by the counsel for the petitioner and with his assistance, have gone through the pleadings, the

records and the impugned orders but do not find ourselves in a position to accept the pleas, as have been raised by the counsel for the petitioner.

Perusal of the record would show that the authorities having gone through the records had come to a conclusion that the land of the Gram Panchayat measuring 128 *kanals* and 11 *marlas* had not been included in Nagar Council, Mansa, vide notification dated 18.12.1994. Once the land has not been included of the Gram Panchayat in the limits of the Municipal Council as per the notification issued by the Government, the question with regard to the ownership having vested in the Nagar Council/Municipal Council, Mansa, does not arise. The findings as have been recorded by the authorities, which have been impugned, being based upon proper appreciation of the facts and the records do not call for any interference.

The writ petition being devoid of merit, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 3rd, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No