

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

101 (PROCEEDINGS THROUGH V.C.)

RA-CW-117-2021 in CWP-6252-2020

Date of Decision: February 4th, 2022

Baldeep Singh and another

...Applicants

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. H.S. Dhindsa, Advocate
for applicants-respondents No.6 to 32.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This Review Application has been preferred for the review of the order dated 02.11.2020 passed by this Court.

It is the contention of learned counsel for the applicants that the applicants had filed CM No.10994-CWP of 2020 and CM No.11333-CWP of 2020, wherein objections were filed by the applicants and had sought to be impleaded as intervener in the matter objecting to the factum that the *hadda rori* should not be shifted. Learned counsel for the applicants has tried to emphasise upon the fact that there are two separate *hadda roris*, one situated in khasra No.346 and khasra No.345, which is being used by Gram Panchayat Kaunke Kalan. He on this basis asserts that there is no reason as to why the *hadda rori* had to be shifted. In fact, it was proposed earlier by the Deputy Commissioner, Ludhiana, to shift the *hadda rori* to khasra No.215, which is adjoining to khasra No.216, where the *Mazar-Eir-Peer* is situated and revered by the villagers. It is on the basis of these assertions that the Review Application has been filed.

Upon notice having been issued, reply by way of affidavit of the Block Development and Panchayat Officer, Block Jagraon, District Ludhiana, has been filed in Court, where in paras 5 and 6, it has been stated as follows:-

- “5. That in reply to the contents of para 5 of the application it is submitted that the averment made by the applicants/respondent Nos. 6 to 28 is misconceived. It is submitted that prior to the year 1993, the Gram Panchayat Kaunke Kalan was in existence which was thereafter bifurcated into 2 separate Gram Panchayats i.e., Gram Panchayat Kaunke Kalan and Gram Panchayat Gurusar Kaunke. The Hadda Rori situated in Khasra No.346, which is admittedly at a distance of more than 3.5 km from the Khasra No. 345, is being used as such by the residents of village Gurusar Kaunke since past many years.
6. That the contents of para 6 of the application are admitted to the extent of filing of SLP (C) No. 3312 of 2021 by the present applicants/interveners/ proposed respondents and the order dated 08/03/2021 (Annexure R-4) passed by the Hon'ble Supreme Court of India. However, no grounds for reviewing the order dated 02/11/2020 have been made out in the present application in view of detailed submissions made hereinabove.”

Further in para 7 (i), (ii) and (vi), it has been asserted as follows:-

- “(i) That in reply to the contents of sub para (i) it is submitted that the Hadda Rori of village Kaunke Kalan is situated in Khasra No. 345 and the same is at a distance of about 275 yards from the population of the village. Further, the Hadda Rori situated in Khasra No.346 is being used as such by Gram Panchayat Gurusar Kaunke after its bifurcation in the year 1993 from Gram Panchayat Kaunke Kalan.

- (ii) *That in reply to the contents of sub para (ii) it is submitted that the averment made by the applicants/respondent Nos.6 to 28 is misconceived on the ground that prior to the year 1993, the Gram Panchayat Kaunke Kalan was in existence which was thereafter bifurcated into 2 separate Gram Panchayats i.e., Gram Panchayat Kaunke Kalan and Gram Panchayat Gurusar Kaunke. Further, the Hadda Rori in Khasra No. 345 is being used as such by Gram Panchayat Kaunke Kalan and the Hadda Rori situated in Khasra No. 346 is being used as such by Gram Panchayat Gurusar Kaunke after its bifurcation in the year 1993 from Gram Panchayat Kaunke Kalan.*
- (vi) *That the contents of sub para (vi) are wrong and denied. The applicants are trying to portray in this sub para that the Hadda Rori of the village is being exchanged with Khasra No. 215 which is adjoining to Khasra No. 216 where the Mazar-eir-peer is situated. The said averment of the applicants is incorrect and the same is evident from the bare reading of the review application itself which states that the answering respondent No. 3-Deputy Commissioner, Ludhiana has suggested shifting of the Hadda Rori of the village to Khasra No. 329 and not to Khasra No. 215 as alleged.”*

In the light of the above factual position, where it comes out that initially the Gram Panchayat Kaunke Kalan was in existence, which was bifurcated into two Gram Panchayats i.e. Gram Panchayat Kaunke Kalan and Gram Panchayat Gurusar Kaunke in the year 1993. With the bifurcation of these two Gram Panchayats, khasra No.345 is being used by Gram Panchayat Kaunke Kalan for the purpose of *hadda rori*, whereas residents of Gram Panchayat of Village Gurusar Kaunke is using khasra No.346 for the said purpose since the year 1993.

As regards the factum and assertion with regard to shifting of

the *hadda rori* to khasra No.215 is concerned as proposed by the Deputy Commissioner, Ludhiana, suffice it to say that the said fact has been denied in sub para (vi) of para 7 of the reply to the application for review.

In the above facts and circumstances of the present case, we do not find any ground for reviewing the order passed by this Court on 02.11.2020 and dismiss the present application.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 4th, 2022
Puneet

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No