

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

**CWP-9867-2022 (O&M)
Date of Decision: 29.08.2022**

**JARNAIL SINGH THROUGH SPECIAL POWER OF ATTORNEY
HARNEK SINGH**

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab.

Mr. V.K. Sandhir, Advocate
for respondent no.5.

LISA GILL, J.

Cost of Rs.20,000/-, in compliance of order dated 03.08.2022 has been deposited by the petitioner. Photocopy of receipt is taken on record, subject to just exceptions.

Prayer in this writ petition is for directing the respondents to implement the exchange of land measuring 07 Kanals, 04 Marlas for construction of a metalled road/passage to the school, executed between the petitioner and respondent no.5 way back in 1999.

Learned counsel for the petitioner submits that metalled road/passage to the school stands constructed as is clear from the photographs attached along with this writ petition. Land which was given to the petitioner in exchange thereof is stated to be in his possession, however, necessary mutation in this regard has not been entered, thus causing prejudice to the petitioner.

Status report by way of affidavit dated 18.07.2022 of the Block Development and Panchayat Officer, Block Banga, has been filed. It is stated therein that petitioner is holding the land in question. Land so exchanged jointly with other co-sharers and according to instructions dated 27.02.2008 regarding exchange of land, a private person's land has to be partitioned before forwarding the proposal for grant of approval by the Government. It is stated that petitioner was requested to get his share partitioned, however, instead of getting his share partitioned, petitioner submitted an application dated 30.09.2021 through his power of attorney holder (through whom the present writ petition has also been filed) that file of the exchange case may be returned to him which would be resubmitted after completion of documents from other co-sharers and that as of now he did not want any action to be taken on the file. Copy of the application is attached alongwith as Annexure R-2. In this situation, it is stated that no action could be taken in the matter due to joint ownership of petitioner with other co-owners. It is further submitted that respondents are ready to get approval from the Government for exchange of land in terms of Rule 5 of Punjab Village Common Lands (Regulation) Rules, 1964, provided petitioner fulfills the requirement for exchange by getting his share in the land partitioned in accordance with Khasra numbers exchanged by him with the Panchayat land. Furthermore, petitioner it is stated is required to return the original file pertaining to the case so that matter can be pursued for seeking approval of the Government for said exchange.

Learned counsel for the petitioner submits that partition of land has already taken place, therefore, necessary action should be taken.

Be that as it may, it is now incumbent upon the petitioner to place all necessary documents as required before the competent authority for further necessary action.

Keeping in view the assertion on behalf of the petitioner and specific stand of the respondents as reflected in affidavit dated 18.07.2022, it is directed that petitioner should approach the competent authority along with relevant documents reflecting that the land in question has come to the exclusive share of the petitioner. In case, petitioner submits relevant documents along with original file within two weeks of receipt of certified copy of this order and documents are found in order, let necessary action be taken for approval and entering of the mutation thereof in accordance with law by the competent authority within a period of eight weeks thereof.

This writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

29.08.2022
Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No