

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

CWP-10337-2019

Date of Decision: 12.09.2022

Raj Pal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

Mr. G.S. Sandhu, Advocate
for respondent No.5.

LISA GILL J. (ORAL)

Prayer in this writ petition is for setting aside order dated 07.12.2018 (Annexure P-8) passed by Divisional Commissioner, Karnal, Division Karnal (respondent No.2) (wrongly mentioned as Commissioner Rohtak Division in Memorandum of Parties), order dated 25.03.2015 (Annexure P-6) passed by Collector-cum-Commissioner, Karnal (respondent No.3) and order dated 25.07.2014 (Annexure P-4) passed by Assistant Collector 1st Grade-cum-Sub Divisional Officer Civil, Assandh, Karnal (respondent No.4) wherein ejectment of petitioner has been directed.

It is submitted that in fact petitioner had given his land for extension of School situated within *Lal Lakir* of Village Salwan and in view thereof land in question which is subject matter of above mentioned impugned orders was given by the Gram Panchayat to petitioner. Petitioner, it is submitted, has been in possession of the said land allocated to him in lieu of land given by him for the School since 1992. Petitioner is stated to have constructed a house on corresponding 11 marlas of land released by the Panchayat pursuant to resolution dated 21.07.1992 (Annexure P-1). Learned counsel for the petitioner submits that in an illegal manner petitioner is now sought to be evicted from this land.

As there was no dispute regarding consumption of petitioner's land for extension of the school and handing over of possession of land in lieu thereof to him, the then Deputy Commissioner, Karnal on 16.05.2019 stated before this Court that process of either exchange of equivalent land or return of original land would be completed within two months. Various opportunities in this regard were then sought. Today learned counsel for the State has furnished a copy of order dated 02.08.2022 which is taken on record subject to just exceptions. It is stated therein that approval has been accorded to resolution No.3 dated 21.07.1992, resolution No.1 dated 30.10.2019 and resolution No.2 dated 22.10.2020 passed by Gram Panchayat Salwan, Block Asandh, District Karnal and to Gram Sabha resolution No.2 dated 26.01.2020 for exchange of its land in *Shamlat Deh* measuring 11 marlas out of Khasra No.271//15(3-12) North with land measuring 11 marlas situated within *Lal Dora* owned by petitioner as the said land was required for expansion of School building. It is further noted therein that land in question has been exchanged in the year 1992 and at

present Girls Primary School is running on the land exchanged with petitioner and Panchayat land is in possession of petitioner.

In view of order dated 02.08.2022, as a necessary consequence, impugned orders dated 07.12.2018 (Annexure P-8), 25.03.2015 (Annexure P-6) and 25.07.2014 (Annexure P-4) are set aside.

Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

12.09.2022
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No