

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

Sr. No.118

**Civil Writ Petition No.11095 of 2022 (O&M)
Date of Decision : August 08, 2022**

Krishan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhijeet Sharma, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CM-11241-CWP-2022

This application has been filed for placing on record Annexures P-6 & P-7.

For the reasons stated in the application, the same is allowed. Annexures aforementioned are taken on record.

CWP-11095-2022

The petitioner is aggrieved with issuance of communication dated 21.08.2021 by the Block Development and Panchayat Officer, Hisar-I. Through this communication, it has been conveyed to the Deputy Commissioner that construction of *Chabutra* in the midst of the panchayat Ghar and *Johar* Village Pana Meherana is not possible due to opposition of the villagers and the legal position that no construction can be raised upon *Johar* land. With the help of Swamitva Scheme and jamabandi for the year 2013-14, learned counsel for the petitioner has tried to convince the Court that the *Johar* referred to in the communication dated 21.08.2021 is not adjoining the Panchayat Ghar. According to the learned counsel, the Johar

land has been given field numbers whereas the Panchayat Ghar was within the Lal Dora of the village and title thereof has been transferred in favour of the Gram Panchayat under the Swamtiva Scheme.

The argument cannot be accepted as no site plan has been annexed/placed on record. The jamabandi and the map annexed with the Swamitva Scheme do not clarify the issue in question. The Block Development and Panchayat Officer has specifically mentioned in this communication that *Johar* land would be covered by the *Chabutra*. Such a factual assertion cannot be said to be incorrect only on the basis of the jamabandi for the year 2013-14 and the plan annexed with the Swamitva Scheme. Thus, the communication cannot be said to be erroneous.

The writ petition has no merit and is dismissed.

August 08, 2022

Ankur

(SUDHIR MITTAL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No