

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

CWP-25343-2022

Date of Decision: December 21, 2022

SURINDER KUMAR AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

Mr. Raman Sharma, Addl.AG, Haryana.

LISA GILL, J.

Petitioners are aggrieved of order dated 26.07.2019 (Annexure P5) passed by the Deputy Commissioner, Panipat whereby application filed by the petitioners in terms of Rule 12 (4) of Punjab Village Common Lands (Regulation) Rules, 1964 [as applicable to the State of Haryana (for short '1964 Rules)] for purchase of land on which they have constructed their residential houses, has been rejected.

It is submitted that petitioners have constructed their residential houses on very small areas. Petitioner No. 1 has his house over 30 sq. yards, petitioner No. 2 over 160 sq. yards and petitioner No. 3 has residential house

over 80 sq. yards only. The houses of the petitioners, it is stated, were partly demolished whereas houses of similarly situated persons have not been touched. Street has been duly constructed by the Gram Panchayat in front of the houses of the petitioners. Electricity and water supply is provided. Petitioners, it is submitted, are duly covered under the provisions of law for benefit under Rule 12(4) of the 1964 Rules. It is further submitted that apart from the fact that Deputy Commissioner, Panipat was not the competent authority to reject the claim of the petitioners, instructions dated 26.04.2022 have been subsequently issued wherein case of the petitioners is squarely covered.

Learned counsel for the State is unable to deny that in terms of instructions dated 26.04.2022, case of the petitioners does require re-consideration. However, the recommendation, it is submitted, has to be routed through the Gram Panchayat. In case, the Gram Panchayat recommends transfer of land, the same can be considered in accordance with provisions of law.

In this view of the matter, learned counsel for the petitioners submits that liberty be afforded to the petitioners to approach the Gram Panchayat for necessary action.

Keeping in view the facts and circumstances, it is directed that in case, such an application is filed within two weeks from the receipt of certified copy of this order, same be considered by the Gram Panchayat in accordance with the provisions of law within four weeks and in case, recommendation is forwarded by the Gram Panchayat, the same be

also considered by the competent authority expeditiously and preferably within eight weeks of the recommendation.

It is made clear that consideration be carried out while ignoring order dated 26.07.2019 and in consonance with instructions dated 26.04.2022 and applicable provisions of law. It is further clarified that there is no expression of opinion on the entitlement of petitioners to the benefit as claimed.

Writ petition is, accordingly, disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 21, 2022
rts

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