

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

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CWP-32206-2018

Date of Decision : **December 15, 2022**

NARINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms. Gagan Mohini, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. C.L.Premy, Advocate
for respondent No.3-Gram Panchayat.

Dr. Puneet Kaur Sekhon, Advocate
for respondent No.4.

SURESHWAR THAKUR. J.(Oral)

1. In the instant petition, the petitioner, who is a co-habitant of the Mohal concerned, became aggrieved from a resolution Annexure P-1, as, made by the Gram Panchayat concerned, where through, the writ land was assigned to co-respondent No.4 rather only for the purpose of maintenance and development. The said resolution was thereafter succeeded by another resolution carried in Annexure P-2, and thereons exist, the signatures of the members of the Gram Panchayat, and, also the members of the authorized representative of co-respondent No.4. The above assignment of the writ land to co-respondent No.4, through the

resolutions (Supra), caused grievance to the petitioner. Therefore, he has instituted a petition under Section 199 of the Punjab Panchayati Raj Act (Regulation) 1994 (here-in-after referred to as the Act) before the jurisdictionally competent authority.

2. The above motion, resulted in an order of dismissal being made on the above petition.

3. The petitioner becomes aggrieved and is led to institute thereagainst the instant petition before this Court.

4. During the pendency of the instant petition before this Court, this Court on 27.2.2020 had made the hereinafter extracted order:-

“The petitioner is a resident of village who prays for a writ in the nature of certiorari for quashing the impugned order dated 04.10.2018. It is submitted that the Gram Panchayat has transferred its land to Dera Radha Swami Beas (Respondent No.4) otherwise than in due course of law. The status report has been filed by the Block Development & Panchayat Officer, Rayya, District Amritsar, Punjab in which he has denied the allegation of the petitioner but only in regard to Khasra No.79/6 (12 Kanal 3 Marla) whereas according to the petitioner the entire land measuring 196 Kanal 13 Marla has been transferred. Despite the status report, counsel for the petitioner is still insisting that the land has been transferred.

Be that as it may, let an affidavit of the Deputy Commissioner, Amritsar be filed in which he would explain as to whether the contention made by the petitioner is correct or not.

Adjourned to 30.03.2020.

However, it is made clear that if the affidavit is not

filed by the Deputy Commissioner, Amritsar before the next date of hearing, then he shall remain present in Court on the next date of hearing. ”

5. In pursuance to the order being made, the Deputy Commissioner, Amritsar, has instituted reply/affidavit before this Court.

6. A reading of the relevant portion of the reply/affidavit as furnished by the Deputy Commissioner, Amritsar, is reproduced hereinafter:-

“That on the basis of the aforesaid report of committee, it is clear that the land bearing khasra No.79//6 (12-03) (Gair mumkin school ground) owned by the Gram Panchayat, Village Budha Theh in which the school ground is situated, has not been transferred to the respondent No.4, Dera Radha Swami Beas, and same is still ownership of the Gram Panchayat. The Dera Radha Swami have installed grills at the boundary of the school ground on the request of the Gram Panchayat of village Budha Theh keeping in view the safety of the children as the ground is near to the National Highway. The school ground land is under the possession of the Gram Panchayat.”

7. Bearing in mind the above, besides when it is stated at the bar by the learned counsel for the petitioner as well as by the learned counsel for respondent No.4, besides by the learned State counsel, that the assignment of land to respondent No.4, is only, for the purpose of maintenance and management of the writ land, and, that it shall not confer any right nor capacitate respondent No.4 to assert thereons any right of any nature. Moreover, since it has also been jointly stated at the

bar by the learned counsels concerned, that as and when the Panchayat concerned, makes a demand, upon, the co-respondent No.4, to return to it, the writ land, thereupon the co-respondent No.4 shall forthwith return the writ land to the Gram Panchayat concerned. In consequence thereof, this Court deems it fit and appropriate to not interfere with the impugned order carried in Annexure P-1. However, the above made joint submissions before this Court by the counsels appearing for the litigants, shall be ensured to be complied with by all concerned.

8. Disposed of accordingly.

**(SURESHWAR THAKUR)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

December 15, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No