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

**COCP-2837-2016 (O&M)
Date of decision: 01.03.2023**

Karan Singh

... Petitioner

Vs.

Sikandar (ex-Sarpanch) and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Aashna Aggarwal, Advocate for the respondents.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 09.09.2008 passed in CWP-1409-1993, vide which respondent No.3 i.e. Gram Panchayat, Village Gawalior (Panchgaon), Tehsil Manesar, District Gurugram was restrained not to alienate the Banjar Kadim land, used for common purposes, which is claimed by the petitioners.

Learned counsel submits that the petitioner has filed a suit for declaration under Section 13-A of the Punjab Village Common Land (Regulation) Act, 1961 praying that the mutation of the disputed land sanctioned in favour of Gram Panchayat be set aside. At the first instance, the

suit was decreed, however, in an appeal filed by the Gram Panchayat, the appellate authority remanded the case back to the Assistant Collector 1st Grade. Thereafter, the petitioner preferred a revision before the Court of Commissioner, which was dismissed and the aforesaid writ petition was filed, challenging two orders, wherein the said stay order has been passed.

Learned counsel has submitted that now Gram Panchayat has carved out 100 square yard plots in favour of many villagers, (details of which is given in para No.3 of the petition), by way of gift deed.

It is admitted case of the parties that gift deeds have been executed without taking any money from the allottees and the same is part of a development scheme i.e. Mahatama Gandhi Gramin Basti Yojna floated by the Govt. of India.

Learned senior counsel for the respondents has referred a judgment of the Hon'ble Supreme Court in **State of Haryana Vs. Jai Singh and others, 2022 Live Law SC 361**, to submit that in view of the same, the writ petition is not likely to survive.

Accordingly, finding no willful disobedience, present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

01.03.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No