

256

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-1633-2021 (O&M)
Date of decision: 13.03.2023

Gram Panchayat, Village Mand Talwandi Kuka

... Petitioner

Vs.

Ramesh Kumar Ganta, IAS and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 20.07.2021 passed in CWP-11650-2021, wherein the petitioner Gram Panchayat, Village Mand Talwandi Kuka prayed that a writ of mandamus be issued directing respondent No.3 to further direct the private respondents to allow them to complete the development work of digging a water tank in shamlat deh land comprised in khasra No.13//7/1 (6-13).

While disposing of the writ petition, following directions were issued: -

“On the other hand, the Assistant Superintendent of Police, Sub

Division Bholath, District Kapurthala, has taken a stand that the work is smoothly in progress and if there is any disturbance, necessary action will be taken as per law.

Today the learned State counsel has informed the Court that she has herself spoken to the Assistant Superintendent of Police as well as the Financial Commissioner who have assured that the work is not only in progress but nearing completion.

A separate written statement has been filed by respondent no.11 claiming that the Gram Panchayat has encroached upon his land.

Keeping in view the stand taken by the official respondents, no further order is required to be passed. The official respondents would remain bound by the stand taken in the Court. The private respondent(s) shall be at liberty to initiate proceedings claiming the possession of the land after establishing his/their right, title or interest in the property.

With these observations, the writ petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.”

Learned counsel for the petitioner submits that private respondents are in possession of part of khasra number and execution work of the water supply is not completed. Reliance is also placed on certain photographs and

revenue record as well as demarcation report.

Reply by way of affidavit of SHO, Police Station Begowal, Tehsil Bholath, District Kapurthala is on record, in which it is stated that the petitioner has given a complaint to SSP, Kapurthala with regard to two khasra No.13//6/8-0 and khasra No.13//7/1/6-13 (qua which the aforesaid writ petition was filed). It is further stated that since there was some dispute between the Panchayat and private persons, in order to avoid any untoward incident, proceedings under Sections 107/150 Cr.P.C. were initiated.

In reply dated 14.12.2021 filed by HoD, Water Supply and Sanitation, Punjab, SAS Nagar (Mohali), it is stated that Gram Panchayat has passed a resolution on 30.07.2020 for construction of new water supply scheme in Village Mand Allahabad out of khasra No.13//7/1/6-13 and after getting approval from the Department, a contractor was appointed. It is further stated that construction work is going on.

Learned State counsel has filed additional affidavit of HoD, Water Supply and Sanitation, Punjab, SAS Nagar (Mohali) in the Court today, to submit that entire construction work is completed after the revised design of Overhead Service Reservoir, however, work for the water supply scheme was completed on 31.07.2022. It is further stated that electricity connection was released by Punjab State Power Corporation Ltd. on 30.11.2022 and thereafter, potable water is being supplied to the village, thus the order stands complied with.

In reply, learned counsel for the petitioner has relied upon certain documents by way of moving an application and placing on record copy of jamabandi (Annexure P-4), according to which, both the disputed khasra numbers are in the name of Shamlat Pati Mada of the village and Jarnail Singh son of Didar Singh is shown to be in possession of khasra No.13//7/1/6-13 and Jagir Singh son of Nain Singh is shown to be in possession of khasra No.13//6. As per report submitted by the Patwari (Annexure P-5), similar statement is made that aforesaid khasra numbers are in the name of Shamlat Pati Mada, whereas Jarnail Singh and Jagir Singh are in cultivation possession. It is also stated by the Patwari that on 29.04.2021, when he visited the spot, borewell work was undergoing on khasra No.13//7/1.

After hearing learned counsel for the parties, following undisputed facts emerged: -

- (a) The Gram Panchayat passed a resolution for construction of a water supply work on khasra No.13//7/1 (6-13) and the writ petition was filed with regard to this khasra number only, however, while giving a complaint to the police, additional khasra No.13//6 measuring 8-0 was also added.
- (b) From the affidavit filed by the respondents, it is apparent that out of aforesaid khasra No.13//7/1/6-13 only 17.6 marlas of land measuring 60x80 was utilized for the purpose of water works and remaining area of this khasra number was vacant, which as per

own record of the petitioner and demarcation report, is in possession of one Jarnail Singh.

- (c) The arguments now raised by learned counsel for the petitioner that aforesaid khasra number is not being mutated in favour of Gram Panchayat, is totally misplaced, as in the order passed by the writ Court, liberty is granted to the private respondents to initiate proceedings claiming possession of the land after establishing their right, title or interest in the property, therefore, it will be open for the petitioner-Gram Panchayat as well as private respondents to approach the competent Court for redressal of their grievance.

Accordingly, no willful disobedience is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

13.03.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No