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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18253-2016 (O&M)

Date of decision:16.05.2023

IQBAL SINGH

...Petitioner

Versus

PRINCIPAL SECRETARY FINANCIAL COMMISSIONER DEPARTMENT
OF RURAL DEV & PANCHAYAT & ORS

...Respondents

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

Present: Mr. Paritosh Vaid, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

Ms. Paramjit Kaur, Advocate for
Mr. Raj Kumar Garg, Advocate
for respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

CRM-8749-CWP-2023

The asked for correction is allowed. Amended memo of parties is
taken on record. The Registry is directed to tag the same at an appropriate place.

The application stands allowed.

CWP-18253-2016

1. Since the resolution of the Gram Panchayat (Annexure P-4) drawn
on 11.11.1997, containing a proposal of exchange being made of the petitioner's
land with the Gram Panchayat's land, thus remaining unactioned. Therefore, a
mandamus is asked to be made, upon the respondent concerned, to take action
on the said resolution.

2. However, the Gram Panchayat in its reply furnished to the petition denied the existence of any such resolution. As such, if there is no resolution, as such, in respect whereof a mandamus is asked for, resultantly the asked for mandamus is declined.

3. Even otherwise, the institution of the instant writ petition before this Court with the above prayer for a mandamus being made, upon the official respondent concerned, is highly pre mature, and, would result in the instant petition being declared to be mis-constituted, unless the resolution, despite its becoming validly drawn, and, thereafter, upon, its being forwarded to the Approving Authority concerned, yet no approval being granted to the said resolution. Since the above fact(s) which then may constrain this Court to make a mandamus, upon the respondent concerned, rather is completely amiss, as such, the asked for mandamus is declined to the present petitioner.

4. In consequence, this Court finds no merit in the instant petition, and, the same is dismissed. However, as and, when the Panchayat concerned, draws a fresh resolution thereupon, it may consider to forward it most promptly to the Competent Authority for an approval thereto being meted. In case, a decision adversarial to the petitioner is made on such a resolution by the Competent Authority concerned, thereupon, it is open to the petitioner to re-access this Court.

(SURESHWAR THAKUR)
JUDGE

16.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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