

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

216

CWP-25660-2015

Date of Decision : February 06, 2023

SARV HITKARI VIDYA MANDIR

.....Petitioner

VERSUS

**JOINT DEVELOPMENT & PANCHAYAT OFFICER CUM
COLLECTOR AND ORS**

.....Respondents

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

Present: Mr. C.M.Munjal, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J.(ORAL)

1. Though the petitioner-institution has raised a school on the petition lands, but yet the revenue entries describe the petition lands as Shamlat deh. Therefore, the petition lands were not amenable for being used for any other purpose, than for the purpose for which they were declared to be used hence in the revenue records concerned.

2. The learned counsel appearing for the petitioner does not challenge, the concurrently made verdicts of eviction as drawn against the petitioner-institution by both the authorities below. However, he confines his arguments qua the authorities concerned, being directed to consider the makings of sale(s) of the petition lands in favour of the petitioner-educational institution, as he submits that the functioning of the educational-institution, on the petition lands, since 1996 rather is subserving the educational needs of the children of the adult members of the

village proprietary body, and, as such obviously the school is also concomitantly catering to the common purpose of the villagers.

3. Without commenting upon the validity of the above addressed arguments, the writ petition is dismissed, but with a direction to the respondents concerned, to on an application for the sale of the petition land, to the petitioner-institution, being made or for the petition lands (six kanals land), as shown in Annexure P-2, being leased in favour of the petitioner-institution, to, in accordance with law but within the relevant rules and instructions, consider to grant permission for the relevant sale or for the lease of the petition lands, being made to the petitioner-educational institution. The requisite application shall be preferred within a fortnight, before the competent authority, and the latter shall, after bearing in mind the echoings made in Annexure P-2, shall make a lawful decision thereons, but only after affording an opportunity of hearing to all concerned.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 06, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No