

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

(245)

**LPA-624-2022 (O&M)
Decided on : 07.02.2023**

Panchayat Deh, Gram Panchayat Village Rajolka

.....Appellant(s)

Versus

Haryana State Industrial & Infrastructure Development Corporation Ltd. &
others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE RITU TAGORE**

Present: Mr.Rajiv Sharma, Advocate for the appellant (s).

Mr.Pritam Singh Saini, Advocate, for respondent No.1-HSIDC.

Mr.Ankur Mittal, Addl.A.G., Haryana
and Mr.Saurabh Mago, AAG, Haryana, for respondent Nos.2 & 3.

G.S. Sandhawalia, J. (Oral)

The present appeal has been filed by the applicant-appellant who claim to be the member of the Gram Sabha, Village Rajolka Tehsil & District Palwal, against the judgment dated 06.09.2021 passed by the learned Single Judge in CWP-9113-2020, filed by the respondent No.1-HSIDC. The same was allowed along with a bunch of other writ petitions and the awards passed by the District Revenue Officer-cum-Land Acquisition Collector, Palwal, allowing the application under Section 28-A of the Land Acquisition Act, 1894, were quashed.

The ground for permission to file the present appeal under Order 1 Rule 8 read with Section 9 CPC is that the term of the Gram Panchayat had expired on 23.02.2020 and therefore, there was nobody to

represent the same. It is not disputed that thereafter fresh elections have been held and an elected Gram Panchayat is in place and if the interest of the Gram Panchayat is to be protected, it is for the Sarpanch and the other Panches to take a decision on the same. The residents of the village cannot be permitted to file an appeal espousing the cause of the Gram Panchayat and therefore, we do not deem it fit to allow the application filed under Order 1 Rule 8 read with Sections 96 & 151 CPC for permission to file the appeal.

Even otherwise it is to be noted that the said view taken by the learned Single Judge has been upheld on 29.08.2022 by the Coordinate Bench in LPA-689-2022 titled *M/s Brijbasi Project Pvt. Ltd. & others Vs. Haryana Shehri Vikas Pradhikaran & others*.

Accordingly, the present application is dismissed and the appeal is held to be not maintainable.

(G.S. SANDHAWALIA)
JUDGE

07.02.2023
SAILESH

(RITU TAGORE)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No