

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.23341 of 2023  
Date of Decision : 13.10.2023

Gursewak Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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Present: Mr. Puneet Bansal, Senior Advocate with  
Mr. Rahul Bansal, Advocate  
for the petitioners.

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RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for restraining the official respondents No.1 to 5 from creating frivolous grounds for denotifying/reverting the status of Nagar Panchayat Lehra Mohabbat back to Gram Panchayat only for political reasons in order to benefit respondent No.6/Ruling Dispensation in the State. Further prayer has been made to quash the letters/proceedings dated 17.07.2023, 27.07.2023 (Annexures P-8 & P-8/1) and letters dated 02.08.2023, 17.08.2023 (Annexures P-9 & P-10) initiated by the official respondents No.2 to 5 wrongly alleging shortage of funds with the local body whereas apart from failure on the part of State Govt. to reimburse share of Municipality, the officers have not acted in accordance with law due to which for the last more than 5 years due Revenue towards property Tax, Octroi on electricity, income from land, Advertisements, Excise Duty, miscellaneous income has not been collected

and for these reasons despite Resolution of the Nagar Panchayat refusing to sell the land, proceeding further with the sale of 20 acres of land in violation of the provisions of “the Punjab Management and Transfer of Municipal Properties Act, 2020” be set aside. Further prayer has been made that during the pendency of the petition, sale of the cultivable 20 acres of land belonging to Nagar Panchayat Lehra Mohabbat, for which respondent No.4 in connivance with respondent No.6 has fixed the value of land as Rs.30 lacs per acre be stayed.

Learned Senior counsel for the petitioners *inter alia* contends that the respondent-State is proceeding to sell the land of the petitioners belongs to Nagar Council totally in violation of the established procedure of law. It is nothing but a political action as the petitioners belong to the rival party. He submits that the petitioners filed a civil suit also and it was decreed with the specific observation that the respondent cannot take any action except in accordance with law. He submits that for the redressal of their grievances, the petitioners have filed detailed representation dated 27.09.2023 (Annexure P-12) but no action has been taken on the same till date and the State is proceedings in a clandestine manner.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents No.1 to 4.

At this stage, Ms. Nidhi, Advocate for Mr. Kamaldeep Singh Sidhu, Advocate has appeared and filed memorandum of appearance on

behalf of respondent No.5 today in the Court and the same is taken on record.

Learned State counsel, however at the outset submits that there is no illegality committed by the State and the action taken is totally in accordance with law. She submits that the representation filed by the petitioners would be decided by passing a speaking order in accordance with law.

After hearing learned counsel for the parties, the present petition is disposed of with direction to respondent No.2-Director, Local Bodies, Govt. of Punjab, Chandigarh to look into the representation filed by the petitioners dated 27.09.2023 (Annexure P-12) and decide the same by passing a speaking order in accordance with law within a period of four weeks from today.

(RAJESH BHARDWAJ)  
JUDGE

13.10.2023  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |