



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.6964 of 2024
Date of Decision: 25.07.2024

Gram Panchayat of Village Ralla, Block Bhikhi
Tehsil and District Mansa through its Sarpanch
...Petitioner

Versus

State of Punjab and others
...Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. N.P.S. Mann, Advocate and
 Mr. Vivek Dahiya, Advocate
 for the petitioner.

 Mr. Shekhar Verma, Addl. A.G., Punjab
 for respondents No.1 to 6.

 Dr. Puneet Kaur Sekhon, Advocate
 for respondent No.7.

G.S. Sandhawalia, J.(Oral)

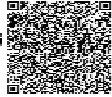
In pursuance of the last order, necessary Power of Attorney has been filed in the Court today, whereby the authorization has been given to the counsel for the petitioner by the Administrator Baghel Singh and the same is taken on the record.

2. Challenge in the present writ petition is to the order passed by respondent No.4-District Development and Panchayat Officer, Mansa on 26.02.2024 (Annexure P-12), whereby the action was being taken on the issue of the exchange of the land measuring 02 kanal 10 marla inter-se respondent No.5 and the petitioner-Gram Panchayat.



3. Resolution dated 22.01.2024 (Annexure P-11) was passed by the Gram Panchayat to the effect that the exchange of the land in Khasra No.347/(2-10) in the name of Gram Panchayat, should not be done as it is valuable land and secondly, the said land was for the pond and nullifying the earlier resolutions dated 25.02.2008, 09.03.2010 and 10.01.2023. As per the communication addressed by respondent No.4, direction has been issued that the partition of the same should be got affected and a complete case should be prepared from every aspect, in view of the order passed by the Co-ordinate Bench in CWP No.257 of 2024 on 19.01.2024. There is also a mention that if any contempt petition is filed, then the Block Development and Panchayat Officer as such will be responsible for the same.

4. We have gone through the paper-book from which it is apparent that there was an issue regarding the exchange of the land inter-se as it transpires that the land falling in Khasra No.347 (2k-10m) belongs to the Gram Panchayat. Apparently, at the earlier point of time, the land falling in Khasra No.305//10 (6-0) out of which 02 kanal 10 marla was temporarily exchanged for the construction of a school building. The claim of the respondent No.7 for the exchange of the land is, thus, in pursuance of the earlier land which had been given out of the second portion and therefore, he wants to be compensated for the same. In such circumstances, he had served the earlier legal notice dated 07.08.2023 (Annexure P-10) claiming that the final decision be taken and the land of Panchayat be transferred with vacant possession as the land belonging to the petitioner had already been utilized for the purpose of the school.



5. During the course of the arguments also, it transpires that the land falling in Khasra No.305//10 min measuring 02 kanal 10 marla had been constructed upon and now, the school is not running on the said site and the said building is in the dilapidated condition but the fact remains that the possession, apparently, is not with respondent No.7. Keeping in view the legal notice at that point of time served, the Co-ordinate Bench had directed that the decision be taken on the legal notice within a period of 02 weeks from the said date, i.e 19.01.2024 and a valid speaking decision thereon be made after hearing all the affected persons concerned. The order reads as under:-

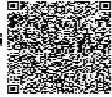
“Sureshwar Thakur, J. (ORAL)

1. *Learned counsel for the petitioner prays for withdrawal of the instant petition, but with a further prayer, that this Court may pass a mandamus, upon the Authority concerned, seized with Annexure P-14 to, within a period of 2 weeks from today, make a valid speaking decision thereons.*

2. *The above prayer is not opposed either by the learned State Counsel or by the learned counsel appearing for the Gram Panchayat concerned.*

3. *Consequently, the instant petition is disposed of with a mandamus, upon the Authority concerned, seized with Annexure P-14, to within a period of 2 weeks from today, make a valid speaking decision thereons, but after hearing all the affected persons concerned.”*

6. The Communication, now, which has been challenged addressed by respondent No.4, apparently, does not comply with the said



conditions as the order does not mention that whether the parties were heard and whether the above issues were redressed and even tested upon regarding the value of earlier land given by respondent No.7 for which he is seeking due compensation for the exchange of the land.

7. Resultantly, the present writ petition is disposed of with the direction that a fresh decision be taken by respondent No.2 regarding the aspect whether respondent No.7 is entitled for the land in question on account of the earlier resolutions passed in his favour and on account of the utilization by the Gram Panchayat of the land of 02 kanal 10 marla for which he seeks redressal. The necessary exercise be done by hearing both the parties and keeping in mind all the earlier records/resolutions which the parties may produce in support. The needful be done within a period of 02 months.

8. In view of the above, Annexure P-12 is quashed and a fresh decision be taken by respondent No.2.

(G.S. SANDHAWALIA)
JUDGE

25.07.2024
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*