

2024:PHHC:168504-DB



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

(113)

LPA-979-2024 (O&M)

Decided on : 12.12.2024

Bajinder Singh & others

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.Sushil Jain, Advocates for the appellants.

G.S. Sandhawalia, J.(Oral)

CM-2379-LPA-2024

Application for condoning the delay of 31 days in filing the appeal is allowed, in view of the averments made in the application duly supported by affidavit of the appellant. Accordingly, delay of 31 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-979-2024 (O&M)

1. Consideration in the present appeal is to the judgment dated 20.01.2024 passed by the Learned Single Judge in CWP-13401-2011 whereby the writ petition was dismissed by holding that out of 22 petitioners, only 14 petitioners were found eligible for the plot of 100 Sq.yards under the Mahatma Gandhi Gramin Basti Yojna and 13 persons had already been issued Gift Deeds after determining their eligibility and it was in such circumstances, liberty was granted to take recourse to their remedies viz-a-viz 8 petitioners whose claims were not found to be eligible.

2. Counsel for the appellants has vehemently argued that land for the allotment of plot had been unmarked vide resolution dated 02.02.2011 (Annexure P-5) and there was change of site-plan in the land offered which aspect has not been considered by the Learned Single Judge.

3. We have examined the said resolution dated 02.02.2011. A perusal of the same would go on to show that earlier 1 ½ acres of land was reserved for the plots by the previous Panchayat which the subsequent Panchayat did not find good in the interest of the public and Panchayat as the said land was the only source of income of the Panchayat and for the interest of the public, it was suitable land for hospital or any other purpose and financial loss would occur to the income of the Panchayat which did not have any other source of income. Another area of 15 kanals 14 marlas was thus identified for the allotment of plots for the SC/BC/BPL families and the proposal was sent to the BDPO, Ballabgarh for measurement of the land for the plots to be done by the Block JR and the map of the roads was to be prepared so that the work for constructing the roads could be started.

4. It was specifically pleaded in the written statement that regarding the eligibility of the petitioners and that only 14 petitioners were found eligible out of 22. No replication was filed to controvert the same and thus, it is apparent that some of the appellants were well aware that they had been declared ineligible and therefore, had to challenge the said action by taking recourse in appropriate proceedings.

5. Regarding challenging of the unmarking of the earlier plot and the change of plot, it is to be specifically mentioned that the Gram Panchayat being the owner can change its user for the benefit of the villagers and if there was any grievance with the resolution, the same can be challenged under

Section 47 of the Haryana Panchayati Raj Act, 1994. The appellants have failed to do the same and approaching the Writ Court would not be the appropriate methodology.

6. Even otherwise, we are of the considered opinion that the concession which has been given to the appellants in the allotment of plots at a concession gives no legal vested right, as such to enforce the fact that they should be given plots from a prime piece of land which was earning income for the Gram Panchayat. If any wrong action has been done by the earlier Panchayat, the subsequent resolution had rectified the same and it was for the larger benefit of the villagers and public. In such circumstances, the judgment passed by the Learned Single Judge or the action of the Gram Panchayat does not suffer from any illegality or infirmity which would warrant interference in appeal.

7. Resultantly, in view of the above discussion, the present appeal is hereby dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I.MEHTA)
JUDGE

12.12.2024
sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No