

CWP-8086-2024
Date of decision: 10.04.2024

.....Petitioner

..... Respondents

Notice was issued and the BDPO was directed to be present in the Court. The precise submissions raised by the counsel for the parties is regarding the ownership of the land on which the mela is to be held on

16.04.2024. In pursuance to the directions given by this Court, Mr. Dinesh Sharma, DDPO, Ambala, is present in person in the Court. He has submitted that upto 2005, there was only one Panchayat in the name of Village Kalawar. However, the same was bifurcated into Village Kalawar and Village Balapur. He submits that though the petitioner was organizing the mela, however, the Gram Panchayat, Balapur had approached this Court by way of filing CWP-28035-2023 which is pending adjudication before this Court. He submits that the Deputy Commissioner is the competent authority.

On oral request of learned counsel for the petitioner, the Deputy Commissioner, Ambala is impleaded as respondent No.5 in the present petition. Amended memo of parties be filed today itself.

Learned counsel for the State submits that the Deputy Commissioner has already formed a Committee of five members vide order dated 06.04.2024, photocopy of the said order has been placed on record. She has further pointed out that the case is also fixed for auction of land for today itself. She has also stated that both the Panchayats have been called for 24.04.2024 by Tehsildar, Ambala for hearing. She has also apprised this Court that regarding the dispute involved in the present petition, learned Deputy Commissioner has already heard the Sarpanch of both the sides so as to resolve the dispute for organizing the mela.

In view of the submissions made by the parties, it is apparent that Deputy Commissioner has already taken the cognizance of the dispute between both the Panchayats however, Navratra Mela is to be held on 16.04.2024. Keeping in view the above facts, it is directed that Deputy Commissioner, Ambala would consider the grievances raised by both the sides as in accordance with law. In the meanwhile he would appoint the Receiver who would be the Incharge of the offerings etc. which are donated

in the mela by the devotees and also of the rent of shops and all other financial income earned from the mela to be organized. The issue regarding distribution of the amount collected would be decided by the Deputy Commissioner on hearing the concerned parties as he has already seized of the matter. The Deputy Commissioner, Ambala would further take into consideration all the aspects for granting the permission for organizing the mela ensuring the law and order situation at the place. The Deputy Commissioner is directed to take the necessary action on hearing the parties concerned, as in accordance with law.

Petition is disposed of in above-mentioned terms.

Copy of this order be given to counsel for the parties under the signatures of the Bench Secretary.

10.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No