

2024:PHHC:097609-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP-17849-2024
Decided on : 31.07.2024

Atma Singh

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

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

Present: Mr.G.S.Sirphikhi, Advocate for the petitioner (s).

Ms.Arundhati Kulshereshta, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

1. The innocuous prayer made in the present writ petition, filed under Article 226/227 of the Constitution of India is for directing respondents No.1 to 6 to grant requisite approval as per Rule 5 of the Punjab Village Common Lands (Regulation) Rules, 1964 in terms of Section 5 read with Section 15(f) of the Punjab Village Common Lands (Regulations) Act, 1961 in terms of the resolution dated 27.04.2022 (Annexure P-2).

2. Vide the said resolution passed by respondent No.7-the Gram Panchayat of Village Khokhar Faujian, Tehsil Batala, District Gurdaspur, there is a proposal to exchange the land falling in Khasra No.44 (2 Kanals 3 Marlas), Khatauni No.361 of village crematorium with the land of the petitioner falling in Khasra No.3/1, 20/1, 4//5/21, 811, 141, 151, 161, 171, 19/1, 9//11/1, 20/1, Khewat No.37, Khatauni No.63 situated at Village Khokhar Faujian, Tehsil Batala, District Gurdaspur to the extent of 2 Kanals.

3. Notice of motion.
4. Ms. Arundhati Kulshereshta, AAG, Punjab accepts notice on behalf of respondents No.1 to 6 and submits, on instructions that the said resolution has not been received by the Block Development & Panchayat Officer, Batala, District Gurdaspur, respondent No.6.
5. Counsel for the petitioner, on the other hand, has referred to the site-plan to show that the original cremation ground is across the highway and now the land which has been offered by him is stated to be closure to the village and also at a more approachable point. He further submits that the petitioner has also submitted a legal notice dated 30.05.2024 (Annexure P-5) to the respondents to take action for exchange of the land.
6. Keeping in view the above, since the decision making is still not finalized by the concerned authority(s), we do not call for the reply.
7. Resultantly, the present writ petition is disposed of, by directing the competent authority to take a decision on the legal notice dated 30.05.2024 (Annexure P-5) qua the resolution regarding the exchange of land and shall keep all the relevant facts in mind. Needless to say that parties have a right to be heard including the Gram Panchayat. Needful be done within a period of 2 months from the receipt of the certified copy of this order.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

31.07.2024
sailesh

Whether speaking/reasoned : Yes
Whether Reportable : No