

2024:PHHC:038540
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Date of decision :18.03.2024

Vs.

...Respondents/plaintiffs

Vs.

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RSA-3539-2023 (O&M)
RSA-3750-2023 (O&M)
RSA-3748-2023 (O&M)
RSA-3713-2023 (O&M)
RSA-3504-2023 (O&M)

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CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Lath, Advocate
for the appellant(s).

Mr. Kanav Singla, AAG, Punjab.

Mr. Harnoor Singh, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

1. A bunch of five Regular Second Appeals is pending before this Court.
2. In substance, the dispute in these appeals is with regard to a small error committed by the State of Punjab. In order to provide continuous water supply to the residents of the village, the Gram Panchayat passed a resolution for construction of the overhead water storage tank in the land of the Gram Panchayat. However, the overhead water storage tank was constructed at a particular parcel in the land, which was owned by different persons, who are plaintiffs in five different suits instead of the Gram Panchayat's land.
3. In order to resolve the controversy, learned counsel representing the parties are *ad idem* that the State of Punjab has utilized 01 kanal 10 marlas of land for construction of overhead water storage tank. The Panchayat is ready to compensate them with equivalent area from adjoining parcel of land to these five persons, who are plaintiffs in five different suits.
4. In order to achieve the aforesaid purpose, the Gram Panchayat has already gifted adjoining parcel of land to the State of Punjab. Out of the

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aforesaid property, the equivalent land is to be given to the five persons who are plaintiffs in five different suits.

5. Sh. Michel, Executive Engineer, representing the Water Supply and Sanitation Department, Punjab is present in the Court. He submits that he has no objection to give equivalent plots in these five plaintiffs out of this parcel of 1 Kanal 10 Marlas land.

6. Learned counsel representing the aforesaid five persons, who are plaintiffs in five different suits submits that the plaintiffs are prepared to accept equivalent alternative area from adjoining plot.

7. Keeping in view the aforesaid facts, these five appeals are disposed of with the following directions:-

1. The Executive Engineer shall demarcate and identify adjoining equivalent area which is required to be handed over to these five plaintiffs in separate suit. They shall be allotted area equivalent to the parcel of their respective plots, which has been used for public purpose. They will be handed over possession within a period of 10 days from today.

2. These five persons will become owner of the plots allotted to them by the Government of Punjab.

8. The trial Court is directed to draw the decree in favour of the plaintiffs in all these five suits to this effect.

9. In these circumstances, the property on which the overhead water

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storage tank has been constructed shall vest in the Water Supply and Sanitation Department, Punjab. The plaintiffs shall have liberty to file the application, if there is non-compliance on the part of the State.

18.03.2024

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Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(ANIL KSHETARPAL)

JUDGE

No

No