

2025:PHHC:059821



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

**CWP-11575-2025
Date of Decision: 05.05.2025**

Prem Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Kiran Verma, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 to 6.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Mandamus for directing the official respondents to immediately remove respondent No.7 from the possession of the library that has been illegally occupied as the said library was constructed on land that was specifically allocated by the Gram Panchayat for the Government Middle School, Wazirpura, through a legally binding resolution dated 13.03.2006 (Annexure P-1) and said land was intended for educational and public welfare purposes, and respondent No.8's occupation over the land deprives the villagers, especially students, of their right to benefit from this

important community resource; hence, the illegal occupation by respondent No.8 has thwarted the public and educational purposes for which this land was designated, and such unlawful possession must be vacated promptly in order to protect the interests of the villagers and uphold the resolution passed by the Gram Panchayat and also to restore the rightful ownership and control of the Gram Panchayat or School Administration over this land to serve the community's needs, particularly for educational development.

2. Ms. Upasana Dhawan, Assistant Advocate General, Haryana has appeared on behalf of respondents No.1 to 6 and drawn the attention of this Court towards order dated 10.04.2017 (Annexure P-2) passed by the learned Sub Divisional Magistrate-cum-Assistant Collector, Ist Grade, Gohana; the relevant extract of which, reads as under:-

“After reviewing the documents available on record, listening to the arguments of both parties’ counsels, and conducting an on-site inspection of the disputed land, it was found that the library was constructed using government grants received under the HRDF scheme. A committee has been formed to oversee the maintenance of the library, and it is registered. The construction of the library was carried out under the supervision of the Sub-Divisional Officer (Panchayat), Gohana, and the Junior Engineer (Panchayat), Gohana. The library contains various types of educational books, which are used by school children and other villagers. It is true that the Gram Panchayat, in its resolution dated 02.03.1995, had mentioned handing over the disputed land to the Government Primary School. However, later, with the consent of the Gram Panchayat and the villagers, the library was constructed on this land using government grants and public donations under the supervision of the Panchayati Department. There is no restriction on anyone entering this building/library. Therefore, it cannot be established that any individual has exclusive possession of this library building. Hence, the application filed

by the plaintiffs is not based on real facts and is hereby dismissed. The case file is consigned to the record room as per procedure.”

2.1 Learned State counsel submits that the above referred order dated 10.04.2017 (Annexure P-2) has attained finality and there is no merit in this petition, therefore, the same be dismissed.

3. Learned counsel for the petitioner has failed to dislodge the aforesaid contention of learned State counsel.

4. Keeping in view the observation made in order dated 10.04.2017 (Annexure P-2) that the Library has been constructed using Government grants and a registered Committee has been formed to oversee the maintenance of said Library, and also that there is no restriction on anyone entering this building/Library; no further order is required to be passed in this matter.

5. Resultantly, the instant writ petition is dismissed with aforesaid observations.

6. All the pending application(s), if any, shall also stand closed.

05.05.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No