



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

CWP-22588-2025

Date of Decision: 20.08.2025

Rajendra Rohillaa

..... Petitioner

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present:- Mr. Kartar Singh Malik-I, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Saurabh Mago, Deputy Advocate General, Haryana.

Mr. Sandeep Parkash Chahar, Advocate
for respondent-Gram Panchayat.

.....

DEEPAK SIBAL, J. (Oral)

1. Through the instant petition, challenge is made to the orders dated 11.07.2017 and 18.06.2018, both passed by the Deputy Commissioner, Sonipat (for short- the DC).

2. The facts, in brief, which are required to be noticed for adjudication of this petition are that on 01.04.2009, a gift deed was executed by Gram Panchayat, Badwasini through which a plot measuring 100 sq. yards in Village Badwasini, District Sonipat was gifted to the petitioner for the reason that the petitioner was a defence personnel. When demarcation of the donated plot was not done, the petitioner approached the revenue authorities through filing of a specific application. The petitioner's prayer for



demarcation was rejected right up to the Financial Commissioner, Haryana, which gave him a cause to knock the doors of this Court through filing of a writ petition being CWP No.20540 of 2014, which petition of his was disposed of on 17.09.2015 with a direction to the DC to determine, after grant of hearing to the petitioner, the petitioner's eligibility to receive the plot in question by way of a gift from the Gram Panchayat. The needful was directed to be done by the DC, through passing of a speaking order, within six months from the date of receipt of a certified copy of that order.

3. When, till March 2017, the directions of this Court dated 17.09.2015 remained uncomplied with, the petitioner again approached this Court but this time through a contempt petition being COCP No.570 of 2017, seeking therein to punish the DC for contempt of Court. On receipt of notice of the contempt petition, the DC, on 11.07.2017, through a speaking order held the petitioner ineligible to be gifted land by the Gram Panchayat, Badwasini on the ground that the petitioner already owned and possessed a residential house in the village; as per the applicable statutory Rules, he was not eligible; presently, he was not even residing in the village and that he was also in receipt of annual income @ Rs.45,000/-.

4. Even after the passing of the order dated 11.07.2017, the petitioner continued to complain of contempt by the DC, as according to him, before passing order dated 11.07.2017, no personal hearing had been granted to him by the DC. This led to the passing of an order dated 13.12.2017 by this Court in the contempt proceedings, directing the petitioner to appear before the DC and raise all possible pleas with a further direction to the DC to thereafter pass a speaking order in terms of the afore referred order of this Court 17.09.2015 passed in CWP No.20540 of 2014.



The petitioner then appeared before the DC and got his statement recorded. Thereafter, through a speaking order dated 18.06.2018, the DC reiterated his earlier decision with regard to rejection of the petitioner's claim. A copy of the DC's order dated 18.06.2018 was then attached along with status report dated 07.08.2018, which was filed by the DC before this Court in the contempt proceedings. A copy of the status report dated 07.08.2018 was supplied to the learned counsel for the petitioner.

5. After considering the entire matter, this Court was of the view that the order of this Court dated 17.09.2015, passed in CWP No.20540 of 2014, stood complied with and accordingly, dismissed the petitioner's contempt petition. However, liberty was granted to him to challenge the order dated 18.06.2018.

6. In the above factual matrix, the petitioner has yet again petitioned this Court, this time, to challenge the orders dated 11.07.2017 and 18.06.2018, both passed by the DC.

7. Learned counsel for the petitioner submits that the petitioner, being a member of the armed forces, was entitled to the possession of the land gifted to him by the Gram Panchayat and in support of his claim, solely relied on the letter of the Government of India dated 15.01.1964, as per which, the Ministry of Defence had issued a letter to all the State Governments for allotting waste land to serving defence personnel for cultivation purposes.

8. Learned counsel for the petitioner seeks to explain the delay of about 07 years in knocking the doors of this Court by submitting that a copy of the impugned order dated 18.06.2018 (without the last page) was supplied to the petitioner only recently and that too, in response to an application filed



by the petitioner under the Right to Information Act, 2005.

9. *Per contra*, learned State counsel and learned counsel for the Gram Panchayat seek dismissal of the instant petition on the ground of delay and laches for the reason that the order dated 18.06.2018, passed by the DC has been challenged through the instant petition after an unexplained delay of about 07 years; the final order passed by the DC, rejecting the petitioner's claim on 18.06.2018, was duly appended with the status report of the DC dated 07.08.2018, filed in the contempt proceedings initiated by the petitioner and that a complete copy of such status report was also duly supplied to the learned counsel for the petitioner at that time, who, incidentally, is the same counsel who has filed the present petition.

10. It is further submitted that even on merits, the petitioner has no case as the only provision under which a Gram Panchayat can donate land to a defence personnel is Rule 13 of the Punjab Village Common Lands (Regulation) Rules, 1964 (for short, 'the 1964 Rules') which provides that a plot of land, for residential purposes, upto 200 sq. yards, can be allotted to only those defence personnel who have been seriously injured or rendered handicapped or to dependents of such defence personnel who were killed in a war or a counter insurgency operation, which condition(s), the petitioner does not fulfil.

11. It is still further submitted that gifting of land by a Gram Panchayat, even under Rule 13 of the 1964 Rules, could have only be done with the prior approval of the government, which till date has not been accorded.

12. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

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13. Through this petition, filed by the petitioner in July 2025, challenge is made to the order of the DC dated 18.06.2018 through which the petitioner has been held ineligible to be gifted the land in question by the Gram Panchayat, Badwasini.

14. Learned counsel for the petitioner seeks to explain the delay of 07 years on the petitioner's part in petitioning this Court by submitting that the order dated 18.06.2018, impugned through the instant petition, was supplied to him only recently and that too on the filing of an application under the Right to Information Act, 2005.

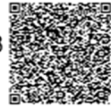
15. The afore stand taken on the petitioner's behalf is found against the record because in the contempt proceedings initiated by the petitioner before this Court through COCP No.570-2017 through which petition he had complained regarding the non-compliance of the directions contained in the order of this Court dated 17.09.2015, passed in CWP-20540-2014, a status report had been filed by the respondents therein and alongwith such status report was appended a copy of the impugned order dated 18.06.2018. In the light of the passing of the DC's order dated 18.06.2018, the petitioner's contempt petition was dismissed by this Court on 07.12.2018. However, liberty was granted to the petitioner to challenge the said order dated 18.06.2018, in accordance with law and if so advised. The order of this Court dated 07.12.2018 is reproduced below for reference:-

*“Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioners.*

Mr. Ashish Yadav, Addl. AG, Haryana.

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for noncompliance of the order dated 17.09.2015, vide which the directions were issued to the Deputy Commissioner, Sonapat to hear the petitioners as well as Gram Panchayat and to determine whether



they are entitled to allotment of subject plots, being landless defence personnel and with the further directions that in case the petitioners found ineligible, let their claim be decided by passing a speaking order.

Learned State counsel has filed status report by way of affidavit of Sh. Vinay Singh IAS, Deputy Commissioner, Sonapat. According to the status report, the petitioners were heard and their statements have been placed on record along with speaking order dated 18.06.2018, wherein the prayer of the petitioners have been rejected.

Accordingly, no contempt is made out.

The petition stands dismissed.

However, liberty is granted to the petitioners to challenge the said speaking order dated 18.06.2018 in accordance with law, if so advised.”

(emphasis supplied)

16. In the light of the above, it is clear that at least on 07.12.2018, the petitioner was made aware of the passing of the DC's order dated 18.06.2018. Therefore, it does not lie in the petitioner's mouth to say that he only recently became aware of the impugned order dated 18.06.2018.

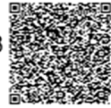
17. Irrespective of the above, even on merits, the case of the petitioner has no legs to stand on.

18. Rule 13(ii) of the 1964 Rules, is the only provision in law which permits the Gram Panchayat to donate land to defence personnel. The same reads as follows:-

“13. Gift of land. A Panchayat may, with the previous approval of the State Government, gift the land in *shamilat deh* vested in it under the Act for-

(i) xx xx xx xx xx

(ii) residential purpose upto the extent of 200 square yards, to the members of defence forces and paramilitary forces seriously injured and rendered handicapped or to the dependent families of such members killed, in any war or counter insurgency operation during



their service, not having sufficient residential accommodation or to the members of the Scheduled Castes or Backward Classes or economically weaker sections, on the ground of poverty:

Provided that gift of land under this rule shall not be made to a person, if he/she or any of his/her family member has ever been gifted the land or inherited land gifted by the Gram Panchayat or the State Government.

Explanation.- For the purpose of this rule, "family" shall mean unit consisting of the individual concerned his spouse, their unmarried daughters and dependent parents.

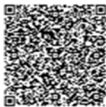
Provided further that State Government shall not accord any approval in cases which are not received through the Deputy Commissioner concerned:

Provided further that the concerned Deputy Commissioner or Sub- Divisional Officer (Civil), as may be authorized by the State Government, shall be competent to accord approval for allotment of 100 square yards residential plot out of land in *shamilat deh*, by way of gift, to the eligible family-identified under the scheme, approved by the State Government for purpose of providing house-sites to the Scheduled Castes [Backward Classes] families and the families living below poverty line.”

(emphasis supplied)

19. Thus, as per the afore quoted Rule, a Panchayat may, with the previous approval of the State Government, gift land in *shamilat deh*, vested in it, for residential purposes, upto the extent of 200 square yards, to members of the defence forces and paramilitary forces who are seriously injured and rendered handicapped or to the dependent families of such members killed in any war or counter insurgency operations during their service and who were not having sufficient residential accommodation.

20. It is not even the petitioner’s case that as a member of the defence forces he was, before he was gifted the land in question by the Gram Panchayat, Badwasini or at any time while he served the armed forces,



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seriously injured or rendered handicapped. Thus, through his order dated 18.06.2018, the DC rightly declared the petitioner to be ineligible to receive a plot by the Gram Panchayat. Further, no previous approval of the State Government had also been obtained by the Panchayat before gifting the plot in question to the petitioner. In fact, till date no such approval has been granted.

21. The petitioner’s reliance on the letter dated 15.01.1964 by the Ministry of Defence, Government of India, is misconceived because such letter is addressed to the State Governments and not to the Panchayats and pertains to allotment of waste land for cultivation to the defence personnel and not for allotment of *shamilat* land for residential purposes.

22. In the light of the above discussion, both on the grounds of delay as also on merits, the petition must fail.

23. Dismissed.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

20.08.2025
Jyoti Thakur/gk

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>