

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CWP No. 15785 of 2014
Date of decision: 30.4.2015

Surjit Singh

... Petitioner

versus

Director, Rural Development and Panchayat Department, Punjab
and another

... Respondents

CORAM: HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vikas Bahl, Sr.Advocate, with
Mr.Ramandeep Singh, Advocate,
for the petitioner
Mr.Rajinder Goyal, Addl.AG, Punjab,
for respondent No.1.
Mr.J.S.Bhandohal, Advocate,
for respondent No.2.
...

RAJIVE BHALLA, J. (Oral)

The petitioner prays for issuance of a writ in the nature of certiorari, quashing order dated 12.9.2013, passed by the Director, Rural Development and Panchayat Department, Punjab.

At the stage of preliminary hearing, notice was issued for the limited purpose of exploring the possibility of enabling the petitioner to purchase the land in dispute, in terms of Rule 12(1)(iv) of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to Punjab (hereinafter to be referred as Rules, 1964). The

order dated 11.8.2014 reads as follows:-

“After arguing the case at some length and when we were not inclined to interfere with the impugned order, learned counsel for the petitioner on instructions states that the petitioner is ready and willing to purchase the land in dispute in terms of Rule 12 (1)(iv) of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to Punjab.

Notice of motion for the aforesaid purpose only for 03.11.2014.

Notice re: stay as well.

Meanwhile, both the parties shall maintain *status quo* regarding demolition.”

On 23.2.2015, following order was passed:-

“Learned counsel for respondent No.2-Gram Panchayat seeks time to identify the land owned by the petitioner which the Gram Panchayat may find equally suitable for the common purposes and which the petitioner shall have to give to the Gram Panchayat in view of encroached land.

List on 30.04.2015.”

Counsel for the petitioner submits that as the land in dispute is in possession of the petitioner for the last many decades and abuts the petitioner's house, the Gram Panchayat may be directed to

consider the petitioner's offer of purchasing this land in terms of Rule 12 (1)(iv) of the Rules, 1964.

Counsel for the Gram Panchayat submits that the Gram Sabha has passed a resolution declining the petitioner's request for purchase and, therefore, the present writ petition may be dismissed.

We have heard counsel for the parties. A perusal of the facts reveals that the land in dispute abuts the petitioner's house. Rule 12 (1)(iv) of the Rules, 1964 empowers the Gram Panchayat to sell its land. Rejection of petitioner's prayer for purchase by the Gram Sabha is irrelevant as it is for the Gram Panchayat to decide a request under Rule 12 (1)(iv) of the Rules.

Consequently, without expressing any opinion on the rights of the parties, the writ petition is disposed of by granting liberty to the petitioner to file an appropriate application before the Gram Panchayat, for purchase of the land in dispute. In case such an application is filed within one month it shall be considered and decided within a month of its filing, strictly in terms of Rule 12 (1)(iv) of the Rules, 1964. During this period, parties shall maintain status quo with respect to possession/demolition.

(RAJIVE BHALLA)
JUDGE

30.4.2015

(AMOL RATTAN SINGH)
JUDGE