
(2013) 02 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7519 of 2012

Angrej Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-02-2013

Acts Referred:

Citation : (2013) 3 RCR(Civil) 962

Hon'ble Judges : Rajive Bhalla, J;Naresh Kumar Sanghi, J

Bench : Division Bench

Advocate : Naresh Kaushik for Mr. K.S. Dhanora, for the Appellant; D. Khanna, Addl. A.G., Haryana for Respondent Nos. 1 and 2 and Mr. Arvind Singh, Advocate, for the Respondent

Judgement

Rajive Bhalla, J.—The petitioners pray for issuance of a writ of mandamus to restrain the respondent-Gram Panchayat from altering the nature of land reserved as "Charand", during consolidation. Counsel for the petitioners submits that the Gram Panchayat has no right to alter user of "Charand" land. The resolution passed by the Gram Panchayat, deciding to lease out "Charand" land, without preparing a land utilisation plan is contrary to Rules 3 and 8 of the Punjab Village Common Lands (Regulation) Rules, 1964 (hereinafter referred to as "the 1964 Rules") and may, therefore, be set aside.

2. Counsel for the Gram Panchayat, as well as counsel for the State of Haryana submit that as held in Baljinder Singh Sra Vs. State of Haryana and others, , the Gram Panchayat is not prohibited from altering the user of its land provided the Gram Panchayat prepares a land utilisation plan, under Rule 3 of the 1964 Rules, before it proceeds to change the user of its land. It is further submitted that as the Gram Panchayat has prepared a land utilisation plan, the Gram Panchayat cannot be prohibited from leasing out "Charand" land for cultivation. We have heard counsel for the parties, perused the impugned order and in view of judgment in Baljinder Singh and others v. The State of Haryana and others, (Civil Writ Petition No. 13652 of 2009), reject the petitioners' contention that the

Gram Panchayat cannot change the user of its land whether reserved as "Charand" or otherwise. The only rider, upon the Gram Panchayat's power, as held in Baljinder Singh's case (supra), is that a Gram Panchayat is required to comply with the procedure prescribed by Rule 3 read along with Rule 8 of the 1964 Rules and prepare a land utilisation plan, before it proceeds to change the use of its land. A perusal of the reply filed by the respondents reveals that the Gram Panchayat has prepared a land utilisation plan. The question whether the land utilisation plan is legal and valid and in accordance with Rules 3 and 8 of the 1964 Rules, is a matter for the petitioners to raise by filing a petition u/s 47 of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as "the 1994 Act").

In view of what has been stated hereinabove, the petitioners are relegated to their remedy of filing a petition u/s 47 of the 1994 Act. In case, such a petition is filed, within one month, it shall be considered and decided within two months.