
(2010) 03 P&H CK 0245

In the Punjab And Haryana At Chandigarh

Case No : Letter Patent Appeal No. 374 of 2010

Gaze Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 25-03-2010

Acts Referred:

Constitution of India, 1950 — Article 243G

Citation : (2010) 5 RCR(Civil) 7

Hon'ble Judges : Alok Singh, J and Adarsh Kumar Goel, J

Judgement

Adarsh Kumar Goel, J.

1 This appeal has been preferred against order of learned Single Judge dismissing a bunch of writ petitions against proposed allotment of plots of size of 100 square yards to families of Scheduled Caste and for families of persons below poverty line. Objection of the appellants before the learned Single Judge was that it will affect rights of Panchayat under Article 243G of the Constitution apart from right of proprietors in the left over land under the provisions of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

2 Learned Single Judge recorded statement of the Advocate General that allotment will be made only out of Shamlat deh which was vested in Panchayat and only when Panchayat passes a resolution to that effect. It was further stated on behalf of the State that 25% of total Shamlat deh will be reserved for common use of the inhabitants.

3 Learned Single Judge held that Panchayats had to prepare plan for economic development and in that background, the scheme was justified. The scheme did not violate the right of the appellants. Implementation of the scheme was in the hands of the Panchayat and the Panchayat was competent to change the land use in view of law laid down by the Hon'ble Supreme Court in Shish Ram v. State of Haryana, 2000(3) R. C.R. (Civil) 2 79: AIR 2000 SC 2148.

4 We have heard learned counsel for the appellants and perused the record.

5 Learned counsel for the appellants submitted that the Government could not direct a Panchayat to make a gift of the land without any compensation and this scheme amounted to interference with the autonomy of the Panchayat under Article 243G of the Constitution. He further submitted that draft of the scheme was not published before making the same operative to enable affected parties to raise objections.

6 We are unable to accept the submissions. Against the impugned judgment, 2010(1) R.C.R.(Civil) 800 : LPA Nos. 1322 of 2009, Gurmukh Singh and another v. State of Haryana and others and LPA No.69 of 2010, Shiv Kumar and another v. State of Haryana and others have been dismissed on 8.1.2010 and 21.1.2010 respectively. It was held that the scheme did not interfere with the autonomy of the Panchayat as its implementation was to be by Panchayat at its will. It was further held that no right of the petitioners in any way was affected.

7 In view of above, this appeal is dismissed.