
(2015) 09 P&H CK 0387

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 18394 of 2015

Gram Panchayat, Samalsar

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 02-09-2015

Acts Referred:

Punjab Panchayati Raj Act, 1994 — Section 3

Citation : (2015) 180 PLR 609 : (2016) 1 RCR(Civil) 164

Hon'ble Judges : Surya Kant and Jaspal Singh, JJ.

Bench : Division Bench

Advocate : Kashish Garg, for the Appellant

Judgement

Surya Kant, J.—The controversy pertains to apportionment and distribution of moveable and immovable assets amongst the petitioner (Gram Panchayat, Samalsar) and respondent Nos. 5 to 8, namely (i) Gram Panchayat, Kothe Samalsar, (ii) Gram Panchayat, Samalsar Khurd, (iii) Gram Panchayat, Kothe Sangatsar and (iv) Gram Panchayat, G.T.B. Garh. The respondent-Gram-Panchayats have been carved out of the petitioner, who used to be the principal Gram Panchayat. The record reveals that instead of the State Government or its delegate performing the duties imposed under Section 3 of the Punjab Panchayati Raj Act, 1994, the above-mentioned Gram Panchayats resolved amongst themselves and apportioned the shamlat land. Those resolutions were not given effect under the Rules and for want of approval of Competent Authority, one or the other Gram Panchayat started objecting to that arrangement. The Divisional Deputy Director, Rural Development and Panchayat, Ferozepur, thus recommended the division of shamlat land and other properties vide memo dated 01.04.2015 (P-8) which has been accepted by the Competent Authority. The petitioner-Gram Panchayat felt aggrieved and filed a revision petition which has been dismissed by the Director-cum-Special Secretary, Punjab Government, Rural Development and Panchayat Department, vide the impugned order dated 09.02.2015 (P-9).

2. We are informed that two revision petitions filed by Gram Panchayat, Samalsar Khurd-respondent No. 6 and Gram Panchayat, Kothe Sangatsar-respondent No. 7 are still pending consideration before the above-stated Revisional Authority.

3. If that is so, it appears to us that the inter se dispute amongst five Gram Panchayats ought to have been decided by one and a common order. While doing so, the State Government is obligated to keep in view (i) whether the land comprising mustarka malkan in cultivating possession of the proprietors has been proportionately apportioned? (ii) whether the land already utilized for one or the other common purposes has also been accounted for keeping in view the proportionate share of every Gram Panchayat? And (iii) whether there is an equitable distribution of cultivable land available free from all encumbrances?

4. We have no reason to doubt that the Revisional Authority shall take into consideration all such relevant factors while putting its seal of approval to the apportionment of assets. For the reasons afore-stated but without expressing any views on the entitlement of the petitioner-Gram Panchayat, we set-aside the order dated 09.02.2015 and direct the Director-cum-Special Secretary, Rural Development and Panchayat Department, Punjab, to decide all the revision petitions together by passing a common order. All the Gram Panchayats shall be at liberty to raise their respective claims before the aforesaid Revisional Authority.

Ordered accordingly. Dasti.