
(2023) 03 SHI CK 0040
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.1123 Of 2023

Hima Ram

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision : 15-03-2023

Acts Referred:

Citation : (2023) 03 SHI CK 0040

Hon'ble Judges : Sabina, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Yogesh Kumar Chandel, Arsh Rattan

Final Decision : Dismissed

Judgement

Sabina, J

1. Petitioner has filed this petition under Article 226 of the Constitution of India, seeking following reliefs:-

"i) That the writ in the nature of certiorari may kindly be issued to quash and set aside the office order dated 16.11.2022 i.e. Annexure P-5 passed by the respondent No.2.

ii) That the respondent department may kindly be directed to conduct the general house meeting of the Gram Sabha of Panchayat Kaneri Mahog for the finalization of site for the Gram Panchayat Ghar building and respondent department shall be directed to construct the Gram Panchayat Kaneri Mahog building on the site decided by the General House of the Gram Panchayat Kaneri Mahog."

2. Learned counsel for the petitioner has submitted that after the formation of a new Gram Panchayat, effort was made for acquiring the land for construction of new Panchayat Ghar/Building. Petitioner had donated land for construction of Panchayat Ghar/Building and respondents No. 7 and 8 had also donated land for the purpose. Respondent No.2 has issued directions for construction of Panchayat

Ghar/Building on the land donated by respondents No. 7 and 8, without calling the meeting of General House of Gram Sabha and without informing the Members of Gram Sabha Wards, that the Panchayat Ghar/Building is to be constructed over the land donated by respondents No. 7 and 8.

3. After hearing learned counsel for the petitioner, we are of the opinion that no ground for interference is made out. It is in the domain of respondent No.2 to have chosen the place where the Panchayat Ghar/Building was to be constructed. In case the Gram Sabha is aggrieved against the decision taken by respondent No.2, it should have challenged the same but petitioner, as an individual, cannot challenge the decision taken by respondent No.2 and insist that the Panchayat Ghar/ Building should be constructed over the land donated by him.

4. Dismissed.

5. Pending applications, if any, also stand disposed of.