
(2005) 08 P&H CK 0050
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 12319 of 2004

Jagdish Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 142 PLR 45 : (2005) 4 RCR(Civil) 322

Hon'ble Judges : D.K. Jain, C.J.; Hemant Gupta, J

Bench : Division Bench

Advocate : Arvind Singh, for the Appellant; Arun Walia, Sr. Addl. A.G. for Respondent Nos. 1 to 4 and R.S. Mamli, for the Respondent

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The petitioner, a proprietor of village Jakhwala, has filed the present writ petition in public interest challenging the resolution passed by the Gram Panchayat whereby the land was given to the District Forest Officer for plantation of trees and for issuance of a direction to lease out the said land in terms of the rules.

2. The petitioner has alleged that consolidation has taken place in the village in the year 1956-57 and an area measuring 1358 Kanals 15 Marias was kept reserved by applying proportionate cut from the holdings of the proprietors for common purposes of the village. It has been pleaded that 99 acres out of the land was kept reserved for Gram Panchayat, out of which 29 acres of land is under forest whereas 70 acres of land is being given by the Gram Panchayat on lease for the last many years. The petitioner has challenged the action of the Gram Panchayat in leasing the said land to the Forest Department for plantation of trees.

3. The Gram Panchayat in its written statement has taken a stand that the land in dispute vests in the Gram Panchayat and the Gram Panchayat has a right to

change the user of such land. Reliance is placed upon judgment of Hon''ble Supreme Court reported as Shish Ram v. State of Haryana AIR 2000 S.C. 2148. It has been pleaded that the income derived from 90 acres of land is being used for the welfare of the villagers. It has been further pleaded that only 20 Acres of land could be given on lease for cultivation and the remaining land could not be successfully given on lease in spite of putting the said land on auction. It has been further pleaded that Gram Panchayat passed a resolution with majority that shamlat land be given to Haryana Social Forestry for plantation and now the forest department has planted 4000 trees of Awala and Jatropha in Herbal Park over land measuring 20 Acres. 16000 Eucalyptus trees have been planted in an area of 30 Acres 4 Kanals and 6 Marias. Separate written statement has been filed by the Block Development and Panchayat Officer, Pehowa, wherein it has been pleaded that land measuring 51 Acres 4 Kanals 6 Marias has been given to the Forest Department for afforestation. 20 Acres of land is for herbal plantation and the remaining land for trees plantation. It has been pointed out that a sum of Rs. 2.65 have been spent on plantation activities up to August 2004.

4. We have heard learned Counsel for the parties and found no merit in the present writ petition in view of the judgment of the Supreme Court in Shish Ram's case (supra) wherein it has been held that the Gram Panchayat is competent to change the user of the land as fixed at the time of consolidation. In para No. 2 of the writ petition, the petitioner has pleaded that land measuring 622 Kanals 15 Marias is in the possession of the Gram Panchayat whereas in para No. 3 of the writ petition it is pleaded that approximately 99 acres of land was kept reserved for the Gram Panchayat. There is nothing on the record to show that the subject land was reserved for any particular purpose in consolidation proceedings. The Gram Panchayat as owner is competent to use the same in the best possible manner. Therefore, the petitioner cannot insist that the land must be leased for cultivation purposes and cannot be given to the Forest Department for plantation of trees.

5. In view of the above, the action of the Gram Panchayat in leasing the land to Forest Department for plantation of trees cannot be said to be suffering from any illegality warranting interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution.

6. Dismissed.