

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.15495 of 2014(O&M)
Date of Decision: February 18, 2015

Mukand Singh and othersPetitioners
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Mohd.Yousaf, Advocate, for the petitioners.
Mr.Rajinder Goyal, Additional AG, Punjab.
Mr.T.P.S.Tung, Adv., for respondent Nos.5 & 6.
Mr.Ramandeep, Advocate, for
Mr.R.S.Bajaj, Advocate, for respondent No.13.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners have approached this Court alleging fraudulent auction of Plot No.1 comprising the Gram Panchayat land and reserved for Scheduled Castes category, by the Sarpanch of the Gram Panchayat. Their precise case was that the above-stated plot was auctioned during the year 2013-2014 for an amount of Rs.45,000/- but for the year 2014-2015, the Sarpanch auctioned the same in a clandestine manner for a paltry amount of Rs.25,000/-. The petitioners, some of whom are Scheduled Castes persons, offered Rs.54,000/- for such plot.

Ordinarily, we would have cancelled the auction in view of the higher offer made by the petitioners but for the fact that the auction was held in June, 2014 and one paddy crop has already been harvested by respondent No.13-so

called highest bidder. Even Rabbi crop is already sown by him which is likely to be harvested in April, 2015. In these circumstances, we are left with two options, namely, (i) either to allow the petitioners to take-over the land at this stage and pay expenses incurred by respondent No.13 on the sowing of Rabbi crop or (ii) to direct respondent No.13 to atleast pay the same auction amount as was fetched in the last year.

Respondent No.13 has interestingly agreed to enhance the bid amount from Rs.25,000/- to Rs.45,000/-.

In view of the above-stated development and the fact that it would not be viable for the petitioners to earn anything from the land at this belated stage, we dispose of this writ petition with a direction to respondent No.13 to deposit the balance amount of Rs.20,000/- to make the total bid amount to Rs.45,000/-, within a period of two weeks, failing which the lease shall be cancelled and the District Development and Panchayat Officer-cum-Deputy Commissioner, Barnala shall take immediate action against the Sarpanch.

If the authorities find that there is some substance in the allegations made by the petitioners regarding collusion of the Sarpanch with the alleged highest bidder, they shall hold a fact-finding enquiry and proceed with the matter in accordance with law.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 18, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE