

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 17919 of 2015. [O&M]
Date of Decision: 26th November, 2015.

M/s Modern Bricks Petitioner through
Mr. Kanwaljit Singh, Sr. Advocate with
Mr. BBS Randhawa, Advocate.

Versus

State of Punjab & Ors. Respondents through
Mr. Rajesh Bhardwaj, DAG, Punjab
Ms. Bhawna, Advocate for
Gram Panchayat-respondent No.3.

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA**

- 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 petitioner – a brick kiln seeks quashing of the appellate order dated 18.06.2015 [P-8] whereby the order dated 27.08.2014 [P-7] of the Collector-cum-District Development and Panchayat Officer, Patiala was set-aside and resultantly, the petition filed by the Gram Panchayat under Section 10-A of the Punjab Village Common Lands [Regulation] Act, 1961 seeking cancellation of lease of land measuring 15 Bighas 5 Biswas situated in village Jhandi, Block Sanaur, District Patiala, has been accepted.

[2]. The Deputy Commissioner, Patiala has filed an additional affidavit averring therein that pursuant to the directions issued earlier, a fresh auction was held on 20.11.2015 in which one Gurvinder Singh son of Gurmail Singh gave the highest bid of ₹3,80,000/- followed by second bid of Manjit Singh son of Jarnail Singh for ₹3,76,000/-. The

third bid was by the petitioner for a sum of ₹2,01000/-. It is further averred that Gurvinder Singh and Manjit Singh failed to deposit the bid amount and as per the terms and conditions, their security money was forfeited and deposited in the Account of Gram Panchayat. Consequently, the petitioner's bid of ₹2,01,000/- was accepted which it has deposited with the Gram Panchayat.

[3]. The Deputy Commissioner has also placed on record the Inquiry Report [R-1] submitted by the Additional Deputy Commissioner [Development] Patiala who has come to the conclusion that brick-kiln, Chimney, office, quarters at the site belong to the petitioner [M/s Modern Bricks] and not the Gram Panchayat.

[4]. We see no reason to differ with the inquiry report. However, if the Gram Panchayat has any objection or grievance, it shall be at liberty to challenge the same before an appropriate forum.

[5]. Since the fresh bid was conducted under the supervision of Deputy Commissioner/Additional Deputy Commissioner, Patiala and the petitioner has deposited the revised bid amount, the matter regarding approval of the Gram Panchayat's resolution for acceptance of the revised bid requires re-consideration at the hands of the State Government-cum-Joint Development Commissioner [IRD], Punjab. Consequently, the impugned order dated 18.06.2015 is set aside with a direction to the said authorities to re-consider the matter for the grant of necessary approval, for which the Deputy Commissioner, Patiala is directed to send a comprehensive report to the Joint Development Commissioner [IRD] so as to enable the latter to take an appropriate decision within a period of one month. If the

petitioner's revised bid is approved by the competent authority, it shall be entitled to the refund of amount deposited in pursuance of the previous auction. On such approval, the petitioner shall be entitled to run the brick-kiln in accordance with law.

[6]. Disposed of. Dasti.

(**SURYA KANT**)
JUDGE

November 26, 2015.
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(**HARI PAL VERMA**)
JUDGE