

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CWP No.20571 of 2014
Date of Decision: 24.07.2015

Guru Ravi Das Ji and Saheed Baba Jiwan Singh Ji Committee (Regd.)

...Appellant

versus

State of Punjab and others

..Respondents

CORAM : HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present :- Mr. R.S. Bains, Advocate
for the petitioner

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

Mr. J.S. Bhandohal, Advocate
for the respondent No.6.

Satish Kumar Mittal, J. (Oral):

This petition has been filed for issuance of a direction for implementation of the provisions of Sections 5 and 15 of the Punjab Village Common Lands (Regulation) Act, 1961 and Rule 6, 7 and 7-A of the Rules of 1964, so that shamlat deh land reserved for Scheduled Caste Community is not auctioned away in a benami fashion due to the connivance of the respondents and their failure to insist on minimum and maximum land per family/ individual which has resulted in creating a monopoly in favour of 4 families at the behest of the other landlords of the village community so as to deprive the scheduled caste community of their right to take on lease the land reserved for them.

Affidavit of Gurmail Singh, Block Development and Panchyat Officer, Bhawanigarh, District Sangrur has been filed in the Court today. The same is taken on record. Paras No. 2 and 3 of the said affidavit are reproduced as

under:

“2. That it is submitted that the shamlat land reserved for S.C. Community was auctioned according to law on 22.06.2015. The land is 117 acres, it was auctioned under separate 12 plots. There are 10 electric motor tubewells in the area, the auction is conducted by carving out possible small plots on the basis of the viability of irrigation and connectivity of water channels of tubewells. It is relevant to mention here that all the 12 plots were taken by separate bidders in open auction.

3. The members of petitioner committee had also participated in auction and had taken the land on lease, one Harjinder Singh, who is cashier of the petitioner Committee had also taken 59 bighas 6 biswas land on lease. It is also relevant to mention here that among successful bidders only one is chakotedar of previous year, all others are new bidders. The auction is conducted in a very equitable manner, the bidders have deposited the requisite amount and have planted the crop into the land.”

In view of the said fact, the prayer made in this petition has become infructuous.

We hope that State of Punjab will consider the matter and make necessary amendment in the policy with regard to leasing out the shamlat land for the reserved category in small blocks so that marginal scheduled caste category persons may also participate in the auction.

Dismissed as having been rendered infructuous.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

24.07.2015

Atul