

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.433 of 2015 (O&M)
Date of Decision: April 21, 2015

Rajinder Singh and others

.....Appellants

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Sunil Agnihotri, Advocate, for the appellants

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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 appellants assail the order dated 11.03.2015 whereby learned Single Judge has dismissed their writ petition in which they sought a restraint order against the Gram Panchayat and other authorities from auctioning the trees standing on the land owned by the Gram Panchayat of village Rampur Haler, Tehsil Dasuya, District Hoshiarpur.

The above-stated relief was sought on the plea that the predecessor-in-interest of the appellants was a successful bidder on 16.02.1983 in the open auction allegedly held by the Gram Panchayat for the felling of trees whose bid of Rs.81,000/- in respect of plot No.2 was accepted. A sum of Rs.20,250/- was deposited by the appellants' father/husband on that very day.

It is claimed that at the time of above-stated auction, the trees were not matured enough for felling.

Thereafter, it is alleged that the Gram Panchayat wanted to conduct a fresh auction, therefore, the appellants' predecessor filed a civil suit for declaration and permanent injunction which was decreed in his favour on 23.07.1986.

Based upon the above-stated ex-parte civil court decree, the appellants assert their perpetual right on the trees standing on the Gram Panchayat land. Since there was another attempt to auction those trees, they filed writ petition which has been dismissed by learned Single Judge.

It is not in dispute that for the alleged violation of the civil court decree, the appellants have already initiated proceedings under Order 32 Rule 2-A CPC. Since those proceedings are still pending, we, as of now, do not express any views on the enforceability or legality of the decree. We are in full agreement with the learned Single Judge that the appellants have got no right to restrain the Gram Panchayat from auctioning the trees unless they establish in accordance with law before an appropriate forum that those very trees were auctioned to their predecessor in the year 1983.

The appeal is dismissed with liberty
aforementioned.

[SURYA KANT]
JUDGE

April 21, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE