

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6040 of 2016

Date of Decision: March 31, 2016

Ashok Kumar

....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Harpreet S.Rakhra, Advocate, for the petitioner.
Mr.NPS Mann, Advocate, for the caveator-respondent.

-.-

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 who is a resident of Patiala City assails the orders dated 10.07.2015 and 02.12.2015 (P-14 & P-15), passed by the Collector, Nawanshahr and Joint Commissioner (IRD), Punjab, respectively, whereby his application under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') questioning the auction of land measuring 133 bigha owned by the Gram Panchayat of village Balipur, Tehsil and District Patiala, was dismissed and appeal against that order has also been dismissed by the Joint Commissioner (IRD), Punjab.

[2] The Gram Panchayat is on caveat.

[3] Heard learned counsel for the parties.

[4] The undisputed facts are that the land measuring 133 bigha, owned by the Gram Panchayat of village Balipur,

was earlier under the illegal possession of encroachers for almost 30 years and was got vacated recently with great efforts. The Gram Panchayat thereafter held the auction on 28.06.2014 in the presence of DDPO and leased out different parcels of the land.

[5] The petitioner, who is stated to be a journalist and is neither a resident of the village nor an agriculturist and who did not participate in the auction, filed the above-stated complaint under Section 10-A of the 1961 Act, inter-alia, relying upon the report submitted by the Deputy Commissioner, alleging that (i) the bid amount was deposited by the highest bidder after 7-8 days; (ii) the vedigraphy suggests that the auction was not held in the village etc.

[6] The petitioner's complaint has been turned down by the authorities for want of his locus-standi as he is neither a resident of the village nor participated in the auction proceedings.

[7] It does appear that the auction was conducted hurriedly but not in such a manner that it is liable to be annulled. The obvious reason is that the land was illegally occupied by some influential persons and after getting it vacated, the Gram Panchayat auctioned the land without wastage of time so as to generate its income. The successful bidders have further agreed to increase the lease money by 10% for the next year and their offer was found to be just and fair by the authorities. In these circumstances, especially when no agriculturist from the village has come forward to offer more lease money, we are satisfied that the petitioner's complaint has been rightly turned down for want of locus-standi.

[8] The petitioner's apprehension that the auction is dummy and/or the land has gone in the hands of the previous encroachers, can be redressed by granting him liberty that if on expiry of the lease period the Gram Panchayat fails to take physical possession of the land, he or any other resident of the village may approach the appropriate forum including this Court for taking suitable action against the encroachers.

[9] The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

March 31, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE