

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.7421 of 2015 (O&M)

Date of Decision: 24.02.2016

Gram Panchayat Gag Dhagara

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

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

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?

Present: Ms. Sushma Chopra, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Addl. AG Punjab

Ms. Diya Sodhi, Advocate for respondent No.6

SURYA KANT, J. (Oral)

(1) The petitioners are Sarpanch and ex-Sarpanch of village Gag Dhagara, District Jalandhar. They seek a writ of mandamus to direct respondent No.6 – a private contractor to deposit the balance amount of contract-cum-lease money towards the Gram Panchayat land auctioned in his favour by the Mining Department for extraction of minor minerals.

(2) Shorn of the details, it is stated by counsel for the petitioners as well as learned State counsel that a sum of about ₹43 lacs is still recoverable from respondent No.6 though counsel for respondent No.6 seriously disputes the same as according to her, no such liability has been adjudicated by the competent authority. Learned State counsel further points out that the

security amount of ₹1 crore deposited by respondent No.6 is lying with the Department and in the event of any default by him, the due amount shall be deducted from the security amount and shall be paid directly to the Gram Panchayat to the extent of its entitlement.

(3) In this view of the matter, when the interest of Gram Panchayat is fully secured, we dispose of the writ petition with a direction to the State of Punjab to entrust the matter to the prescribed Competent Authority for determining the liability of respondent No.6.

(4) The needful including determination of the amount payable by respondent No.6 shall be done within three months. No sooner such adjudication takes place, the Mining Department is directed to deduct that amount from the security deposit and the release Gram Panchayat's share within one month.

(5) Disposed of.

(Surya Kant)
Judge

24.02.2016
vishal shonkar

(P.B. Bajanthri)
Judge