

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

LPA No.2398 of 2016 (O&M)

Date of Decision : 13.12.2016

Gram Panchayat Village Ram Rai

....Appellant

Versus

Ram Rattan and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DARSHAN SINGH

...
Present: Mr. Balraj Singh Dhull, Advocate
for the appellant.
...

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 29.09.2016.

Some land which was intended for a pond was
erroneously auctioned by the Gram Panchayat and as a consequence
thereof it could not be put to use by the successful bidders who had
deposited Rs.5,20,000/- and Rs.3,80,000/-. Since the lease could not
be effected, the learned Single Judge directed the refund of that amount
paid by the successful bidders.

Learned counsel for the appellant contends that this
amount was never deposited.

We are, however, not inclined to accept this plea in view
of the fact that it has been noticed that this amount was paid against a
receipt. Besides, no illegality or infirmity has been pointed out in the
impugned judgment which would persuade us to interfere in the same.

Finding the appeal to be without merit we decline interference.

However, in case some earlier Sarpanch has committed a fraud in auctioning the land which was intended for pond, this order will not preclude the present Gram Panchayat to proceed in accordance with law against the erring office bears of the Panchayat.

The Gram Panchayat shall return the money of the bidders deposited at the time of auction as directed by the writ court within a period of two months from the date of passing of this order.

Disposed of.

(MAHESH GROVER)
JUDGE

13.12.2016
dss

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No