

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12174 of 2017.

Date of Decision: July 24, 2017

Avtar Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.M.L.Saggar, Senior Advocate with
Mr.Shailendra Sharma, Advocate, for the petitioners.
Mr.Vikas Singh, Advocate, for the respondent-Gram Panchayat.

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Surya Kant, J. (Oral)

The eviction orders passed against the petitioners under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 have attained finality and consequently, possession has already been taken over by the Gram Panchayat. It appears that the petitioners have filed petition under Section 11 of the 1961 Act seeking declaration of their title which is still pending but there is no ad-interim stay in their favour. In this fact situation, the Gram Panchayat can surely auction the land strictly in accordance with law and rules so as to generate its income. The petitioners have approached this Court through the instant writ petition alleging that 15 days clear notice was not issued before auctioning the Gram Panchayat land.

Learned counsel for the respondent-Gram Panchayat has filed a short written statement which is taken on record. In addition to the averments made in the written statement, Mr.Vikas Singh, learned counsel for the Gram Panchayat states that a fresh public notice shall be issued for auctioning the remaining land and 15 days clear time shall be granted to all

the prospective bidders.

The procedure so suggested by learned counsel for the Gram Panchayat fully addresses the petitioners' apprehension. They shall be at liberty to participate in the auction proceedings. The Gram Panchayat is directed to issue a public notice of 15 days and let auction be held thereafter. The Deputy Commissioner, Patiala is directed to accord necessary permission to auction, within two days from the date of receiving the reference and depute some officer not below the rank of BDPO to supervise the auctioning proceedings. The police assistance, if any, may also be provided.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

July 24, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CWP No.12174 of 2017

[3]

CM Nos.9437, 8538 & 8539 of 2017 in
CWP No.12174 of 2017

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Avtar Singh and others vs. The State of Punjab and others

Present: Mr.M.L.Saggar, Senior Advocate with
Mr.Shailendra Sharma, Advocate, for the applicant-petitioners.
Mr.Vikas Singh, Advocate, for the respondent-Gram Panchayat.

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CM No.9437 of 2017

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the document (P-9) is taken on
record and exemption from filing its certified copy is granted.

CM stands disposed of.

CM No.8538 and 8539 of 2017

The applications are dismissed as infructuous.

(SURYA KANT)
JUDGE

July 24, 2017
mohinder

(SUDHIR MITTAL)
JUDGE