

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22224 of 2017.

Date of Decision: September 28, 2017

Gurjeet Singh and others

.....Petitioners

versus

Director (Panchayats)-cum-Joint Development Commissioner, Punjab and
others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Vikas Kumar Gupta, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of village Chharbar, Tehsil Banur, Block Rajpura, District Mohali. They filed a petition under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 seeking cancellation of lease for 33 years executed by the Gram Panchayat of their village in favour of the State Government and the Director General of Police in respect of land measuring 175 bighas 4 biswa. The land has been given by the Gram Panchayat on 33 years' lease for the construction of a Training School for Special Security Group.

[2] The petitioners have raised two objections against leasing out of the land. Firstly, they claim that the Gram Panchayat should have auctioned the land for its leasing out and secondly, the annual lease of Rs.25,000/- per acre is less than the market rate of Rs.40,000/- per acre.

[3] The Collector, Patiala vide order dated 10.06.2015 turned down both the objections and consequently, dismissed the petition. The aggrieved petitioners filed an appeal which has also been dismissed vide the impugned order dated 02.02.2017.

[4] We have heard learned counsel for the petitioners.

[5] It is undeniable that the resolution of the Gram Panchayat to lease out the subject land to Police Department for the construction of Training School for Special Security Group was duly approved by the Financial Commissioner, Rural Development Department, Punjab vide memo dated 20.04.2011 and thereafter only, lease deed for 33 years was executed. We do not find any provision mandating that the Gram Panchayat land cannot be leased out except by way of auction even if such land is to be leased out for an important public cause and in public interest. The object of auctioning the land is to bring transparency in transaction. There can hardly be any extraneous consideration in a lease transaction between the Gram Panchayat and the State Government. Further, the land has been leased-out for a specific purpose which would have been defeated had the land put to public auction where third parties might have bided for commercial considerations. Thus, we do not find any merit in the contention that the land could not be leased out except by way of auction. As regard to the rate on which the land has been leased out, suffice to observe that the land might fetch higher rate when it is leased out for a year or so. In the case in hand, the land has been leased out for 33 years and as such the annual lease rate of Rs.25,000/- per acre for a long spell will surely be in the benefit of the Gram Panchayat . The decision of the Gram Panchayat to lease out the land, thus, cannot be held to be detrimental to its interest.

No case to interfere with the impugned orders is made out.

Dismissed.

[SURYA KANT]
JUDGE

September 28, 2017
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[SUDHIR MITTAL]
JUDGE

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