

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27783 of 2017

Date of Decision: December 07, 2017

Jatinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Sanjeev Kumar Bawa, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner seeks quashing of the letters dated 28.11.2017 (P-4 and P-5). Vide the first letter, the B.D.P.O., Qadian has requested the D.D.P.O., Gurdaspur to take action in compliance to the order dated 21.11.2017 passed by this Court in CRM-M No.44208 of 2017 whereby the police authorities were directed to act upon the representation (P-5). It appears that the grievance in that representation was against the alleged inaction for the removal of unauthorized encroachments from the Gram Panchayat land. The encroachers were allegedly allowed to cut the sugarcane crop from the Gram Panchayat land thereby causing huge financial loss to the Gram Panchayat. In this backdrop, the B.D.P.O., Qadian vide letter dated 28.11.2017 (P-4) requested the D.D.P.O., Gurdaspur to take action against the illegal occupants with the help of Senior Superintendent of Police, Batala. Vide the second letter of even date (P-5), the D.D.P.O., Gurdaspur has requested the Senior Superintendent of Police, Batala to provide police help for the removal of unauthorized encroachments from Gram Panchayat land.

[2] We have heard learned counsel for the petitioner at a considerable length and gone through the records.

[3] The petitioner's case appears to be that he had taken the land on lease from the Gram Panchayat in the previous year. He was still in possession when auction for the present year was held in which he did not participate. Accordingly, the land measuring 11 acres, 0 kanal and 2 marlas was auctioned for a sum of Rs.1.90 lacs in favour of someone else. The petitioner subsequently represented that he was willing to pay a sum of Rs.2,47,500/- and the auction at a lesser rate thus be cancelled. The D.D.P.O., Gurdaspur-cum-Collector vide order dated 11.09.2017 turned down the petitioner's claim on the ground that he was not present at the time of auction and subsequent offer cannot be accepted.

[4] It further appears that the petitioner has not challenged the order dated 11.09.2017 before the Appellate Authority nor he has laid challenge to the same in these writ proceedings. It thus emerges out that after expiry of lease period of previous year, the petitioner is in unauthorized occupation of the Gram Panchayat land and is offering a higher lease money for the current year which being an afterthought has not been accepted by the Collector. No fault thus can be found with the action sought to be taken for removal of unauthorized possession of the petitioner from the Gram Panchayat land as the possession has to be given to the highest bidder. The only remedy for the petitioner is to challenge the order dated 11.09.2017 before the Appellate Authority and re-agitate his claim for acceptance of his higher offer for the current year. We thus decline to interfere with the impugned action except giving liberty to the petitioner to file an appeal against the order dated 11.09.2017 before the higher

authorities. In case the petitioner files an appeal, we are sure that the Appellate Authority shall decide the controversy expeditiously.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

December 07, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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