

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.29179 of 2017
Date of Decision: 20.12.2017

Sanjay Garg

. . . . Petitioner

Vs.

State of Punjab and others

. . . .Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Shrey Goel, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the advertisement dated 12.12.2017 by which the Panchayat Samiti, Samrala has offered to lease out the vacant land measuring 75 x 70 sq. ft. for cycle stand situated on Chandigarh-Ludhiana Road by way of an auction which was to take place on 26.12.2017 under the supervision of the auction committee.

It is alleged that the same site was taken on lease by the petitioner in the auction held on 18.1.2010 on a monthly rent of ₹12,000/-. The lease was extended with 5% increase on yearly basis for five years from 1.1.2013 to 31.12.2017 but now the property has again been put to auction though the petitioner is ready and willing to get the lease extended by paying the enhanced lease amount as per the agreement.

Learned counsel for the petitioner has submitted that the property has been leased out in terms of the Punjab Panchayat Samitis and Zila Parishad (Sales, Lease and other Alienation of Property and Public Places) Rules, 1964 [for short 'the Rules']. It is further submitted that it is

not mandatory to lease out the property again by way of auction in view of Clause 8 of the agreement, which read thus:

“On the expiry of the period of this licence deed the licensee shall have the first preference for the renewal of licence to use the said shop for any further period provided the licensee has conferred to all the terms and conditions under rules prescribed therein during his period use of the shop, provided the licensee agrees to pay the licence fee at renewed rates.”

I have heard learned counsel for the petitioner and perused the available record.

The property in question was leased out to the petitioner in the auction and has been allowed to retain the same further with the enhanced lease money. The auction of the property in question is covered by the Rules in which it has not been made mandatory to kept the same lessee on the property in question by enhancing the lease amount rather the auction of the property for the purpose of lease is a healthy trend, asking for a competition amongst the interested persons so that the property in question may be let out at a better rate than to remain in possession of a particular person only by enhancing some part of the lease money.

Thus, I do not find any error in the impugned advertisement and hence, the present petition is hereby dismissed being denuded of any merit.

20.12.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No