

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.29334 of 2017.

Date of Decision: December 21, 2017

Karnail Singh and another

.....Petitioners

versus

Director, Rural Development and Panchayats, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.J.S.Bhandohal, Advocate, for the petitioners.

-.-

Surya Kant, J. (Oral)

The Gram Panchayat of village Kokri Behniwal, Block Kot Isse Khan, District Moga leased out its land measuring 20 acres 1 kanal for a period of three years by way of an alleged auction held on 29.11.2016. The petitioners are stated to be the highest bidders who offered the bid of Rs.10,20,900/-. Their bid was accepted. The Collector, Moga, however, cancelled the lease vide order dated 22.05.2017 in exercise of his powers under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 as the auction was held in the absence of departmental officer whose presence was mandatorily required in such like auction. It has been further found that contrary to the requirement of Rules regarding immediate deposit of auction money after the auction, the petitioners have deposited the same in installments and last payment was made somewhere in May 2017. Aggrieved by the cancellation of lease, the petitioners filed an appeal which has been dismissed by the Director, Rural Development and Panchayats vide the impugned order dated 29.09.2017. Both these orders are under challenge in this writ petition.

We have heard learned counsel for the petitioners at a considerable length.

In our considered view, no case to interfere with the impugned orders is made out. There appears to be *prime-facie* collusion between the office bearers of the Gram Panchayat and the petitioners as a big chunk of land measuring more than 20 acres was leased out only for Rs.10,20,900/- for a period of three years which means about Rs.3,40,000/- per annum. There is nothing on record to suggest that the auction was held in a transparent manner. Still further, the petitioners did not deposit the lease amount within the time stipulated in the rules, therefore, interference by the authorities to prevent loss to the Gram Panchayat is fully justified. Suffice to observe that the petitioners will be at liberty to participate in the fresh auction and in case they are unsuccessful, they may seek refund of the amount deposited by them to the extent they are entitled thereto.

With liberty aforementioned, we decline to interfere with the impugned orders. Dismissed.

[SURYA KANT]
JUDGE

December 21, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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