

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.17631 of 2016 (O&M)

Date of Decision : 26.04.2018

Karam Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT

Present : Mr.Bhanu Pratap Singh, Advocate for the petitioner(s)

Mr. Sandeep Vermani, Addl. AG, Punjab

Mr. Harkesh Manuja, Advocate for respondent no.4

Mr. V.K.Sandhir, Advocate for respondent no.5

Mr. Sukhdeep Parmar, Advocate for respondent no.14

MAHESH GROVER, J.(ORAL)

This writ petition has been filed by the petitioner with an allegation that an auction was conducted by the Gram Panchayat clandestinely alienating 21 acres of valuable land through an auction on 27.2.2015 to respondent no.4 who was son of a sitting Minister. Allegations were made that the auction was neither published in the newspaper as required and was much below the expected amount that the land was capable of generating. Noticing this specific averment that publication was not carried out and even assuming that it was done so, the particulars of the land to be auctioned were not given, we were persuaded to issue notice of motion

to respondents vide order dated 29.8.2016.

A specific averment was made by the petitioner in para 9 of the petition that BDPO was not present at the time of auction in order to lend more credence to his assertion of a fraudulent auction.

Reply has been filed by the Gram Panchayat and also respondent no.4 denying all the allegations.

We had also summoned records from the State regarding the auction which have been brought to Court by the Panchayat Secretary.

We have perused the records and are of the opinion that they do not offer any suspicion. We have noticed that against the auction process, the petitioner filed an appeal before the District Development and Panchayat Officer on 31.3.2015 which was dismissed on 28.5.2015. Proceedings were initiated before the Commissioner against the said order which were also dismissed on 15.2.2016. The Gram Panchayat in its reply has placed on record a communication containing details of the resolution passed by the Gram Panchayat that if the petitioner is willing to deposit 10% more than the amount they had fetched in the auction they are willing to cancel the previous auction in favour of respondent no.4 and give the land on similar terms to the petitioner. This letter dated 10.6.2015 is on record. The petitioner responded to the same soon thereafter on 11.6.2015 pleading that some member of his family is unwell and he would not be in a position to deposit the amount instantaneously. The Gram Panchayat has asserted that subsequent thereto the petitioner never approached them with his offer or the amount as was intimated to him vide resolution dated 10.6.2015.

Petitioner has not controverted this fact and rather this information has been withheld by the petitioner consciously from the Court.

There is no averment in the petition to this effect and no replication has been

filed to state to the contrary.

Taking into consideration all the facts in totality, it emerges that publication was indeed carried out in vernacular in newspaper namely Punjabi Jagbani. Although no details of the land were given, yet not much advantage can be derived by the petitioner from this fact considering that he was alive to the process of auction and was given an offer by the Panchayat itself asking him to deposit 10% more as per his own assertion to the Panchayat but he failed to respond to such an offer by the Panchayat. Proceedings book also shows that requisite Munadi etc. was done in the village and Panchayat Secretary as also BDPO were present at the time of auction.

In view of above, when the petitioner has failed to substantiate his allegations, we would not be inclined to accept the instant petition and are also of the opinion that the petitioner is clearly an obstructionist and has withheld material information from the Court. Hence, instant petition is dismissed with costs of Rs.50,000/-.

At this stage, learned counsel for the petitioner prays for permission to withdraw the instant petition.

Permitted to do so.

Dismissed as withdrawn.

(Mahesh Grover)
Judge

(Rajbir Sehrawat)
Judge

26.04.2018

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No