

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP 4084/2019

Date of decision:16.05.2019.

Kulvir Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

**Present:- Mr.Raj Kumar Garg,Advocate for the petitioners
 Ms.Anu Pal,DAG Punjab**

Jaswant Singh,J,(Oral).

Petitioners-Kulvir Singh and others claim to be belonging to Scheduled Caste Community and residents of Village Kakra,Tehsil and District Sangrur. Precise grievance of the petitioners is that about 164 persons of their community want to jointly cultivate shamlat land measuring 78 bighas,reserved for Scheduled Caste community, but respondent no.6-Ajaib Singh, at the instance of respondents 7 to 10 alleged to be influential persons and belonging to ruling party, want to take the land on auction and in this process the land in question was auctioned to respondent no.6 on 5.7.2018 without holding any auction and in violation of the policy framed by Government of Punjab qua such land to Scheduled Caste Community. It is alleged that when petitioners objected to such auction, then respondent no.3-DDPO,Bhawanigarh,Distt.Sangrur issued letter dated 23.7.2018 for re-auction of the land in question to be held on 27.7.2018. It is further alleged

that again on 27.7.2018 again no auction was held and petitioners were informed that land in question stood already auctioned on 5.7.2018. It is then averred that on the same day i.e. 27.7.2018, respondent no.2-DDPO, Sangrur issued notice (P-4) to respondents 5-Gram Panchayat and 6-Ajaib Singh to remain present on 30.7.2018 along with record relating to auction held on 5.7.2018. Since no action was taken on 30.7.2018, petitioners filed CWP 21654/2018 which was disposed of by this Court vide order dated 29.8.2018(P-5) directing the DDPO, Sangrur to decide the complaint of the petitioners forthwith. In compliance of the said order P-5, it is alleged that DDPO, Sangrur exercising his powers as Collector, Sangrur illegally upheld the auction held on 5.7.2018 in favour of Ajaib Singh again in violation of the instructions issued by the Government which lay down that in case of land reserved for leasing to Scheduled Caste Community, preference should be given to 5 or more members of the community if they want to cultivate such land jointly. Hence the present writ petition.

Upon notice, Affidavit dated 14.5.2019 of Parvesh Kumar, BDPO, Bhawanigarh, Distt. Sangrur has been filed stating therein that auction was held on 5.7.2018 after following the due procedure and bidder-Ajaib Singh had deposited the lease money of Rs.5,30,020/- in the account of Gram Panchayat. It is further stated that as per record the auction conducted on 5.7.2018 was for one year which stands expired on 10.5.2019. It is further stated that on the expiry of lease period, Ajaib Singh has handed over vacant possession of the shamlat land to Gram Panchayat which is in possession of the same. It is further averred that process for auction of said land for the period of one year i.e. 2019-2020 has been initiated by the Gram Panchayat and said auction now stands postponed for 28.5.2019

because none, including petitioner gave higher bid than the last year's bid of Rs.5,00,000/-.

In view of the affidavit filed by BDPO,Bhawanigarh, learned counsel for the petitioner concedes that the instant writ petition has become infructuous with the expiry of lease period on 10.5.2019.

Disposed of as having become infructuous.

(Jaswant Singh)
Judge

16.05.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No