

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

107

**CWP No. 16714 of 2019
Date of decision : 12.6.2019**

Satwinder Singh and another **.....Petitioners**

Vs.

**Development Commissioner, Rural Development & Gram Panchayat
Department, SAS Nagar and others**

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present:

RAJ SHEKHAR ATTRI, J.

It is submitted that in the open auction certain common land was allotted to the petitioners for one year as lessee on the fixed lease amount. Lease Deeds Annexures P-9 to P-11 were executed which transpires that actual possession of the land was transferred to the lessee/petitioners. Subsequently, the auction was stayed by the District Development and Panchayat Officer, Fatehgarh Sahib (in short 'the DDPO') on 19.6.2018 (Annexure P-10) by taking suo motu notice.

Thereafter, the petitioners have approached this Court by filing CWP No. 15692 of 2018 and the Court has passed the following order on 25.6.2018 :-

“The case set up in the petition is that the petitioners were the successful bidder for four plots. The auction was conducted as per law. However, now on a complaint the DDPO-respondent No.3 has

stayed the auction and had initially issued notice to the petitioners and the Panchayat etc. for 20.6.2018. When they appeared on 20.6.2018 the matter was kept for today. Now the petitioners have come to know that along with keeping the case the respondent No.3-DDPO has also fixed the auction. As per the order dated 28.6.2018, accordingly when the petitioner came to the office of DDPO, it was utter surprise for the petitioner that he ignore the order of the Hon'ble High Court and passed the order in back date on 22.6.2018 by stating that the counsel for the petitioner and parties were present.”

However, thereafter, the petitioners have approached the different revenue authorities. Ultimately, the District Revenue-cum-Panchayat Officer vide order Annexure P-20 disposed of the matter by remanding the same for re-consideration.

Now the term of the lease has expired. Therefore, the lease deeds stand terminated under Section 111 of the Transfer of Property Act, 1882. Therefore, the petitioners cannot claim the possession for further period of 9 months or one year. The petitioners have the alternative remedy to file the civil suit.

No ground is made out to intervene in the proceedings going on.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

12.6.2019
Ashwani

Speaking/reasoned
Reportable

Yes/No
Yes/No