

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

CWP-15406-2018

Date of decision : 22.04.2019

M/S MODERN BRICKS AND ANOTHER

....Petitioners

VERSUS

JOINT DEVELOPMENT COMMISSIONER, MOHALI AND ORS.

....Respondents

**CORAM : HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Rajinder Goyal, Advocate for the petitioners.

Ms.Anu Pal, D.A.G., Punjab

Mr.Harkirat Singh Sandhu, Advocate
for respondent No. 4

JASWANT SINGH, J. [ORAL]

Petitioner No.1 is a partnership firm. A registered lease deed dated 08.02.2012 (**Annexure P-4**) was executed by the Gram Panchayat Village Jhandi, Tehsil and District Patiala for a land measuring 15 Bighas and 5 Biswas for 20 years to be used for operating a brick kiln, in favour of the petitioner-firm.

Respondent No.4-Manjit Singh was an unsuccessful rival in the auction conducted for leasing out of the aforesaid land and he filed a petition under Section 10(A) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short "**the 1961 Act**") challenging the aforesaid auction and lease deed (**Annexure P-4**) before the

Collector, Patiala. The said authority vide order dated 27.08.2014 (**Annexure P-6**) dismissed the said petition, respondent No.4 then filed an appeal before the Commissioner/respondent No.1 under Section 10 (A)(7) of 'the 1961 Act', which was allowed in favour of respondent No.4 and the auction proceedings and the lease deed were set aside vide order dated 18.06.2015 (**Annexure P-7**).

The petitioner firm filed CWP No.17919 of 2015 challenging the order dated 18.06.2015 (**Annexure P-7**) passed by the Joint Development Commissioner (I.R.D.), SAS Nagar, Punjab. During the proceedings of the writ petition, in compliance of the interim directions passed by this Court a fresh auction was conducted on 20.11.2015, wherein one Gurvinder Singh was the highest bidder, followed by Manjit Singh-respondent No.4, further followed by the present petitioner. Due to failure of Gurvinder Singh and Manjit Singh to deposit the required earnest money within the stipulated time, the fresh auction was released in favour of the present petitioner-firm.

This Court vide order dated 26.11.2015 (**Annexure P-10**) disposed of the writ petition with a direction to the competent authority to take a decision with regard to the fresh auction released in favour of the petitioner-firm in accordance with the provisions of the statute/1961 Act.

Respondent No.4 filed a fresh petition before the Collector under Section 10(A) of 'the 1961 Act' challenging the auction proceedings held on 20.11.2015, which was dismissed vide order dated 23.12.2016 (**Annexure P-12**). Respondent No.4 thereafter filed an appeal against order dated 23.12.2016 (**Annexure P-12**) before the

Commissioner, SAS Nagar, Mohali/respondent No.1, who allowed the appeal vide the impugned order dated 02.05.2018 (**Annexure P-13**) remanding the matter back to the Collector, hence the present writ filed by the petitioner-firm.

This Court while issuing notice of motion on 02.07.2018 had permitted the Collector, Patiala to proceed with regard to the fresh decision on the fresh auction conducted on 20.11.2015 in favour of the petitioner.

At the time of resumed hearing today, counsel for the petitioners submits that impugned remanded order having since been implemented resulting into passing of an order dated 04.01.2019 by the Collector, Patiala, dismissing the application of respondent No.4-Manjit Singh, no further adjudication is required in the present petition. Counsel for respondent No.4 is unable to refute the aforesaid factual contention.

In view of the above, the present writ petition is dismissed as infructuous. Parties are free to avail their remedies in accordance with law.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

22.04.2019
Kavneet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No