

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

CWP No.24414 of 2015(O&M)

Date of Decision:-11.03.2019

Gram Panchayat Village Chopra, Tehsil & District Gurdaspur & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate for the Petitioners.

Ms. Anu Pal, Deputy Advocate General, Punjab for
respondent nos.1 to 4.

None for respondent nos.5 to 8.

JASWANT SINGH, J.(ORAL)

Gram Panchayat and one Member of the Panchayat of village Chopra, Tehsil and District Gurdaspur have filed the present writ petition seeking the quashing of the auction proceedings dated 15.03.2012 (P-2) whereby the previously constituted Gram Panchayat under the Chairmanship of the previous Sarpanch and BDPO have passed the resolution taking a decision, *inter alia* to lease out *shamlat* land by auction for a period of 07 years.

It is claimed that the land in question could not be permitted to be leased out beyond a period of more than three years since the same was already under *plough*. Thus it is claimed that as per the provisions of Rule 6(2) of The Punjab Village Common Land (Regulation) Rules, 1964 the auction could only be for a maximum period of three years in view of the nature of the land.

Upon notice separate replies have been filed on behalf of the respondent nos.1 to 4 i.e. the official respondents and private respondent nos.6 to 8.

In the official reply filed by the BDPO it is submitted that the land in dispute measuring 23 acres and 2 Kanals is a *Marsh land* and recorded as *Chhamb Sailab/Banjar Quadim* in the jamabandi for the relevant years 2011-12 and thereby not being under cultivation was liable to be excluded from the limit of a period of three years and was permitted to be leased out for a period of 07 years. It is claimed that on the previous occasions of leasing out proceedings, none had come forward to participate in the auction as the land in question was not cultivable, therefore, after following the procedures of law it was decided to be lease out the said land by public auction for a period of 07 years.

At the time of hearing, counsel for the parties are agreed that the present writ petition has become infructuous in view of the period of 07 years of the lease period having since expired.

In view of the aforesaid agreed stand, no further adjudication is required.

Dismissed as infructuous.

(JASWANT SINGH)
JUDGE

(AVNEESH JHINGAN)
JUDGE

March 11, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>