

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

CWP No.28130 of 2017(O&M)

Date of Decision:-07.05.2019

Makhan Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Ms. Ruchi Sekhri, Advocate for the Petitioners.

Ms. Anu Pal, Deputy Advocate General, Punjab.

Mr. Kamal Narula, Advocate for respondent no.6.

JASWANT SINGH, J.(ORAL)

Four petitioners, namely, Makhan Singh, Jangir Singh, Paramjit Kaur and Rulia Singh are residents of village Dhani Dogar Singh Walia (Block Guru Har Sahai), Tehsil Jallalabad, District Fazilka. By filing the present writ petition under Article 226 of the Constitution they pray for setting aside the lease of *Shamlat Deh* of the Gram Panchayat allegedly illegally bestowed in favour of Thana Singh and Amrik Singh i.e. respondent nos.7 & 8 for the lease year 2017-18 in utter violation of Rule 6 of The Punjab Village Common Lands (Regulations) Rules 1964.

It is alleged that the entire auction process has been conducted in a clandestine manner to favour respondent nos.7 & 8 who are the

relatives of the Panch-Harbhagwan Singh-respondent no.6.

Upon notice reply on behalf of the official respondents stands filed, wherein it is asserted that due process of law has been followed and the allegations of undue favour have been denied.

Private respondents however are yet to file reply.

At the time of hearing learned State Counsel submits that after the expiry of the period of lease in question i.e. 2017-18, fresh auction of the same *Shamlat* land has been conducted for the year 2018-19. The fresh auction has been confirmed in favour of some other persons and not the private respondents nos.7 & 8. She thus submits that by efflux of time the claim set up in the present writ petition has become infructuous.

In response counsel for the petitioner in view of the changed circumstances, as canvassed by the State Counsel agrees that nothing more survives for adjudication in the present writ petition.

Dismissed as infructuous.

However, in case there is any factual error, petitioners are at liberty to seek revival of the present petition within a period of one month from today.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 07, 2019
Vinay

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