

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

CWP No.7485 of 2017
Date of Decision: 07.03.2019

Aggarwal Public School SocietyPetitioner

Versus

State of Punjab and othersRespondents

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

Present : Mr. Nakul Sharma, Advocate for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Dhirinder Chopra, Advocate for respondent No.5.

JASWANT SINGH, J. (ORAL)

The petitioner society had competed in the auction for 25 killas of land notified by Gram Panchayat, Malakpur, Tehsil Dera Bassi, District SAS Nagar, Mohali, conducted on 19.10.2011 for the purpose of setting up an educational institution for 33 years lease period in terms of Rule 6 (3) of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to Punjab. The lease was further subject to the prior approval of the State Government.

The petitioner was the highest bidder in the auction conducted on 19.10.2011 pursuant to the public notice dated 03.10.2011 (**Annexure P-1**) amongst the four bidders. The petitioner deposited a sum of Rs.5,00,000/- in terms of auction notice/lease policy. The approval, however, was kept pending by the Government till the change of lease policy notified on 09.05.2014 (**Annexure P-9**). Resultantly, the petitioner was constrained to approach the Court by filing the present writ petition with a prayer for mandamus directing the official respondents to sanction/confirm the aforesaid auction in favour

of the petitioner society in terms of the old policy existing prior to the change of policy notified on 09.05.2014 (**Annexure P-9**).

During the course of previous hearing, this Court passed an order dated 06.12.2018, directing the official respondents to consider the case of the petitioner society for confirmation in view of the old policy. At the time of hearing today, counsel for the petitioner states that the competent authority vide order dated 28.12.2018 has confirmed the auction of the aforesaid land on 33 years lease basis, however, subject to certain terms and conditions, qua which the petitioner society is aggrieved as they are based on the terms of new policy. He, thus, submits that although substantial relief has been granted, however, certain terms and conditions are required to be challenged in accordance with law.

In view of the aforesaid developments, it is agreed that nothing more survives for adjudication as far as the present writ petition is concerned, however, the petitioner would be free to seek its remedy in accordance with law qua aforesaid order dated 28.12.2018 passed by the Government.

Disposed of as infructuous with liberty to the petitioner to challenge the aforesaid order dated 28.12.2018, if so advised, in accordance with law.

(JASWANT SINGH)
JUDGE

07.03.2019
Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No