

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-35313-2019

Date of Decision:05.12.2019

Gurpreet Singh and others

. Petitioners

Vs.

State of Punjab and others

. Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. H.B.S. Baidwan, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for the issuance of a writ in the nature of certiorari for quashing the auction notice dated 20.11.2019 issued by respondent No.5.

In brief, petitioners are aggrieved against the auction notice issued by the Gram Panchayat dated 20.11.2019 (P-2) for the allotment of shamlat land measuring 48 kanal 16 marla by way of lease for a period of 33 years for the purpose of setting up an educational institution.

Counsel for the petitioners has submitted that most of the proprietors of the village are against the decision of the Gram Panchayat of leasing out the land by way of an auction to a private education institute because there would be no open space available to the village community for other common purposes.

We have heard counsel for the petitioners and perused the available record.

The Department of Rural Development and Panchayats, Government of Punjab had issued a notification dated 9.5.2014 in terms of Sub-Rule (3) and (3-A) of Rule 6 of the Punjab Village Common Lands (Regulation) Rules, 1964 [for short 'the Rules'] rolling out the policy called 'The Punjab Gram Panchayat Lands Lease Policy' for the purpose of leasing out of land of Panchayat for the period of 33 years. As per Clause 4 of the said policy, the Shamlat land can be given by way of a lease to a private institute by way of an open auction but the said auction has to have approved by the Government as required under Rule 3 of the rules. Therefore, the petitioners have approached this Court at a premature stage and even otherwise decision of the Panchayat on the basis of which the auction notice has been issued, could have been challenged by the petitioners or the effected parties or the persons in terms of the Rules before the competent authority by way of an appeal.

Thus looking from any angle, the writ petition in its present form is premature and not maintainable and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.12.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*