

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

ASHOK KUMAR
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CWP-19725-2020 (O&M)

Date of decision: 02.11.2021

SATNAM SINGH

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arvinder Arora, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.
Mr. Ashish Gupta, Advocate for respondent No.7.

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of certiorari to quash the order dated 30.10.2020 passed by the Block Development and Panchayat Officer impeding the petitioner from cutting down 4421 trees which were auctioned in favour of the petitioner on 26.10.2020. The petitioner has also challenged the order dated 06.11.2020 cancelling the public auction. The petitioner claims that in a public auction, he has purchased the rights to cut and remove 4421 trees on a payment of Rs.46,27,000/- to the Gram Panchayat. In other words, Gram Panchayat had sold the rights to cut and remove the trees standing on the panchayat land to the petitioner for a sum of Rs.46,27,000/-.

Admittedly, the petitioner has cut and remove certain trees out of the aforesaid land.

Respondent No.8 filed a representation and offered to pay Rs.56 lakh. Respondent No.8 has already deposited Rs.56 lakh as directed by the

competent authority.

It has been noticed that respondent No.8 has taken a stand that the auction was not properly conducted. It has been alleged that a large number of villagers, chowkidar and lambardar have given in writing that the proclamation by beat or drum was not conducted in the village. Furthermore, the proceedings under Section 10A of the Punjab Village Common Land (Regulation) Act, 1961, are pending before the Assistant Collector Ist Grade, Barara.

Keeping in view the aforesaid facts, the petitioner or Gram Panchayat is required to prove by leading evidence that the auction was conducted after following the procedure prescribed.

In view of the above, the petitioner is relegated to the alternative remedy where he shall have liberty to lead evidence and prove that fact.

All the pending miscellaneous application(s), if any, are also disposed of.

02.11.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE