

229.

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

**CWP No. 7100 of 2021 (O&M)
Date of Decision: 14.12.2022**

GRAM PANCHAYAT GAGGREWAL
Versus

..... Petitioner(s)

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Ms. R.K. Grewal, Advocate
for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab.

Mr. C.M. Munjal, Advocate
for respondents no.4 to 10.

LISA GILL, J.

This writ petition has been filed for quashing of order dated 19.02.2021 (Annexure P-5), passed by respondent no.2.

Learned counsel for the petitioner submits that a petition under Section 10A of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the 1961 Act) was filed by petitioner-Gram Panchayat for cancellation of two lease deeds granted on 26.06.2015 and 07.06.2017 respectively, stated to be illegal, void and nonest and executed by the earlier constituents of the Gram Panchayat. Above said lease deeds in respect to land measuring 196 acres, 4 Kanal and 7 Marla were cancelled by the Collector-cum-Divisional Deputy Director, Jalandhar, vide order dated 28.10.2020 (Annexure P-3) on the ground that proper procedure as laid down in the 1961 Act and Punjab Village Common Lands (Regulation) Rules, 1964, was not followed.

Appeal against this order was filed by the private respondents and impugned order dated 19.02.2021 was passed by the Commissioner-cum-Director, Rural Development and Panchayat Department, Punjab, whereby lease dated 26.06.2015 for the period of seven years was upheld and lease dated 07.06.2017 for the period of five years was cancelled. Permission was granted to the lessee to harvest the crop sown by them with a further direction that possession of land in question would be handed over to the Gram Panchayat within a week of harvesting the crop. Aggrieved therefrom present writ petition was filed wherein notice of motion was issued on 06.04.2021 with a direction that the crop sown by respondents no.4 to 10 will be allowed to be harvested by them with the proceeds thereof to be deposited with respondent no.3. In case of emergent need, said respondents were given liberty to approach respondent no.3 for release of funds against proper security.

Learned counsel for the parties submit that period of lease dated 26.06.2015, in any case, has come to an end and vacant peaceful possession of the entire land has been handed over to the Gram Panchayat, therefore, present writ petition is in fact rendered infructuous by efflux of time.

Learned counsel for the petitioner however submits that lease amount has not been deposited by respondents no.9 and 10.

Mr. C.M. Munjal, Advocate submits that he represents respondents no.4 to 8 but his presence has however been marked on earlier occasions for respondents no.9 and 10 as well, due to some inadvertence. He submits that the entire lease amount has been deposited by respondents no.4 to 8 except a sum of Rs.79,000/-, by respondent no.8, which it is undertaken, shall be deposited within two weeks.

Keeping in view the facts and circumstances as above, this writ petition is disposed of as infructuous. It is however directed that remaining amount of Rs.79,000/- be deposited by respondent no.8 within two weeks in terms of the statement made before us on his behalf failing which necessary consequence will follow. Needless to say, petitioner is at liberty to take necessary action for recovery of amount in question from respondents no.9 and 10, in accordance with law.

At this stage, learned counsel for respondents no.4 to 8 submits that entire expenditure for sowing of crops etc. was undertaken by the said respondents, therefore, said proportionate expenditure be released to them from the proceeds deposited with respondent no.3 in terms of order dated 06.04.2022. Liberty is afforded to respondents no.4 to 8 to approach respondent no.3 in this respect, who would take appropriate decision in this regard, taking into account all attending circumstances and after affording opportunity of hearing to the petitioner as well.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

14.12.2022
Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No