

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

223+104

CWP No.8635 of 2020 (O&M)

Date of Decision : December 06, 2022

Sukhdev Singh and others

.....Petitioners

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Amit Arora, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. S.S. Khaira, Advocate
for the respondent No.5.

Mr. Vipin Mahajan, Advocate
for respondent No.6.

SURESHWAR THAKUR, J. (Oral)

1. The writ petitioners were granted a valid lease in respect of the writ land, however, since the requisite basic amenities were not provided to the leaseholders concerned, therefore, an issue was raised before the authorities concerned, for a direction being made upon the respondents concerned, to provide the basic amenities, for facilitating the lease land being brought to cultivation. However, the said directions did remain evidently non complied with. Thus, the purpose for the grant of a valid lease to the petitioners herein by the respondents concerned, rather was defeated.

2. Nonetheless, it is stated at the bar by the learned State counsel, upon instructions given by the competent authorities concerned, that the duration or the tenure of the lease has since expired, besides

possession of the writ lands has also been assumed. Resultantly, the instant petition becomes rendered infructuous and is disposed off as such. Nonetheless, in view of the detailed discussion, made in Annexures P-4, and, P-6, about losses being incurred by the petitioners herein, on account of dereliction of duties, and also for negligence on part of the respondents concerned to make appropriate arrangements for providing of basic amenities to the leaseholders. Moreover, since the above Annexures remain unchallenged on the part of the aggrieved therefrom. Thus, binding and conclusive effect is gathered by Annexures P4 and P5. Nonetheless, since given the above factum, leading this Court to dispose of the instant petition, it being hence rendered infructuous.

3. Therefore, in terms of sub-clause (5) of Section 10(A) of the Punjab Village Common Lands (Regulation) Act, 1961, the aggrieved leaseholders may prefer a petition before the Collector concerned for recoveries of the amounts as may have been spent by them on the writ land. Besides, liberty is also reserved to the petitioners to, on account of the negligence of the authority concerned i.e. respondent No.6, also claim compensation in respect thereof, but in the very same petition.

4. Disposed off accordingly.

5. All the connected applications also stand disposed off accordingly.

(SURESHWAR THAKUR)
JUDGE

December 06, 2022
ajay-1/devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No