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RA-CW-217-2022 in
CWP-9875-2022 and

CM-15583-CWP-2022
RA-CW-218-2022 in
CWP-9872-2022

Baghail Singh and Company Vs. State of Punjab and others

Present: Mr. Sanjiv Soni, Addl., A.G., Punjab
for the applicant/respondent No.1.

Mr. Amit Jhanji, Sr. Advocate with
Ms. Ekta Jhanji, Advocate
for the non-applicant/petitioner.

The present review applications have been filed along with applications under Section 5 of the Limitation Act for condonation of delay of 96 days in filing the review applications.

Learned State counsel for the applicant/respondent No.1 submits that the Sub Divisional Officer was sent for assistance of the Court on 20.05.2022 when the order was passed by this Court, disposing of the writ petition on the basis of statement made by the learned State counsel on instructions from the aforesaid Sub Divisional Officer. The statement was made that the needful in the context of registration of sale deed shall be done within a week. Owing to the aforesaid statement, this Court was pleased to dispose of the writ petition on 20.05.2022.

Earlier to the aforesaid order dated 20.05.2022, notice of motion was issued on 10.05.2022 on the premise that

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the petitioner-Company had purchased 1.35 acres of land in an open auction. The petitioner had already paid the entire sale consideration and even draft sale deed was also prepared. The authorized signatory of the Department had already signed the draft sale deed, however, at the time when the draft sale deed was presented for clicking the photographs, the authorized person did not come forward for doing the needful in the context of execution and registration of the sale deed. On the basis of aforesaid assertion, notice of motion was issued for 20.05.2022 i.e. the date on which the Sub Divisional Officer gave instructions to the learned State counsel that the needful in the context of registration of sale deed shall be done within a week.

In the review application, it has been contended that the Sub Divisional Officer, who assisted the learned State counsel was not aware regarding the complaints of action received in the office and gravity of the allegations made therein. The statement was made by the Sub Divisional Officer without discussing with his senior officer and also without taking approval of the concerned authorities.

A show cause notice has already been issued to the

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aforsaid officer on 29.07.2022. The review applicant has also alleged that in the complaints, the allegations of collusion of the Government representatives and bidders have been made, for which vigilance enquiry in respect of auction bid dated 29.07.1998 has also been ordered on 01.08.2022. The auction was conducted for different sites on 29.07.1998. The said auction was conducted without any permission from the competent authority for assessing the revised rates of land. The review has been sought on the ground of discovery of new and important matter and the same could not be brought to the notice of this Court despite due diligence as the same was not within the knowledge of the Department.

Learned Senior Counsel for the non-applicant/petitioner has brought to the notice of this Court that after passing of order dated 20.05.2022 by this Court, notice was issued to the petitioner by Zildar, Section NHC, Rupnagar vide memo No.59-61/M dated 27.05.2022 on the subject of getting the sale deed registered and in compliance of order passed by this Court in the main case. It was informed that the sale deed of the site in question shall be executed on

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31.05.2022 afternoon after getting appropriate time from the Tehsildar. The copy of the said intimation was also circulated to the Executive Engineer, Ropar.

Thereafter, on 31.05.2022, Department of Water Resources, Punjab Office of Executive Engineer, Ropar Head Works Division, Ropar, intimated to the petitioner that the Principal Secretary, Water Resources, Mining and Geology Department, Punjab has constituted a committee on 22.05.2022 for getting the enquiry in open auction of land conducted in the year 1998 due to many complaints received in the Department.

Learned Senior Counsel with reference to the aforesaid communication submits that the aforesaid proceedings are subsequent to the order passed by this Court on 20.05.2022. As regards the competence of the Sub Divisional Officer, who had assisted the learned State counsel on 20.05.2022, learned Senior Counsel submits that the said officer is a duly authorized person even for filing written statement in a civil suit filed by some persons in respect of different chunk of land, for which the petitioner is the vendee in the instance of auction in respect of 0.73 acres of land, which

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was also purchased by the petitioner.

Civil Suit No.474 of 2022 was filed by two persons namely Ishwar Dass and Balwant Singh against the Department. Written statement by way of counter affidavit has been filed by Sh. Deevanshu Sharma, Sub Divisional Officer, Head Works, Sub Division Ropar. The aforesaid officer is the same person, who had instructed the learned State counsel at the time when the order dated 20.05.2022 came to be passed.

In the written statement, preliminary objection No.9 reads as under:-

“9. That the answering defendants had initiated the process of auction of 0.73 acre land for site near Nangal Chowk (Khasra no.128 & 129) with the permission of government and completed the sale process. The answering defendants have given the publication for selling this property in open auction in different news papers. In this respect letter no.5707-12/6-A/Tender was issued on 07-07-1998 (Annexure 10). Thereafter the open auction was conducted on 29.07.1998. In the open auction defendant no.5 has given the highest bid and purchased the same. Thereafter the defendant no.5 deposited the auction amount to the government in different dates. Thereafter the department has delivered the

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*possession of auctioned land to the defendant no.5
on 20-04-2004.”*

Perusal of the aforesaid paragraph would show that the officer was very much competent to contest the litigation on behalf of the Department and on account of authority given to him, he filed the aforesaid written statement.

Learned State counsel for the review applicant submits that even the auction dated 14.07.1998 has been cancelled by the Department on 09.09.2022.

For the reasons recorded hereinabove, I do not find any justification to interfere in the review applications and the same are accordingly dismissed.

Since the review applications are being decided on merits, therefore, there is no necessity to pass any order in the separate applications under Section 5 of the Limitation Act. The same are accordingly disposed of.

A photocopy of this order be placed on the file of connected case.

29.10.2022
Prince

(RAJ MOHAN SINGH)
JUDGE