

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 38244 of 2018 (O&M)

Date of Decision: 25.02.2022

Krishan Lal and Others

... Petitioner(s)

Versus

District Development and Panchayat Officer, Kaithal and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravi Dutt Sharma, Advocate
for the petitioner(s).

Mr. Harsh Vardhan, Assistant Advocate General,
Haryana, for the respondent No.1 and 2.

Mr. Rajender Kumar Mehta, Advocate
for the respondent No.3.

Mr. Sandeep Singh, Advocate
for the respondent No.4.

Anil Kshetarpal, J.

1. The petitioners pray for issuance of a writ in the nature of certiorari to quash the order passed by the District Development and Panchayat Officer, Kaithal on 03.12.2018 while setting aside the public auction of ponds, located in village Jadola.

2. On 21.12.2018, the following order was passed:-

“It is contended that in pursuance of public notice dated 14.11.2018 (Annexure P-2), the petitioner participated in an open auction and being the highest bidder, remained successful and was allotted the tender. Subsequently, respondent No.4

applied with higher amount and the tender allotted to the petitioner has been cancelled and the same is proposed to be allotted in favour of respondent No.4. He refers to receipts, Annexures P-15 to P-23, to contend that huge amount has been spent by the petitioner towards deposit of lease money and purchase of fishery seed.

Notice of motion for 26.03.2019.

The operation and effect of order dated 03.12.2018 (Annexure P-24) passed by respondent No.1, shall remain stayed till the next date of hearing”.

3. The learned counsel representing the petitioner contends that the order in question, passed by the District Development and Panchayat Officer, is without granting an opportunity of hearing to the petitioners, who were declared as the highest bidders and have not only deposited the lease money, but also made certain investments.

4. It would be noticed here that on the application of the private respondent offering to pay an amount more than the highest bids, received the public auction, the proceedings were initiated by the District Development and Panchayat Officer.

5. Undoubtedly, Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961, do enable the Assistant Collector First Grade to pass the appropriate orders including cancelling the lease. However, such an order is required to be passed by following the principles of natural justice including hearing the affected parties. It is an undisputed position on the record that the order in question has been passed without granting an

opportunity of hearing to the petitioners.

6. The learned State counsel has submitted that the petitioners have remained in possession of three different ponds, pursuant to the interim order, passed on 21.12.2018.

7. Be that as it may. As the order in question has been passed without following the principles of natural justice, consequently, the order under challenge cannot be sustained.

8. Without expressing any opinion on the merits of the case, the present writ petition is allowed and the order dated 14.11.2018 is set aside by directing the Assistant Collector First Grade to pass a fresh order after following the principles of natural justice within a period of two months, from today. The parties, through their learned counsel, are directed to appear before the Court of Assistant Collector First Grade, Kaithal, on 04.03.2022.

9. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 25, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No