

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

**COCp-780-2020 (O&M)**

**Date of decision: 03.03.2023**

Ramphal and Another

....Petitioners

Versus

Dhirender Khadgata IAS and Others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** None for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

**ARVIND SINGH SANGWAN J. (Oral)**

The petitioner alleges violation of the order dated 04.09.2019 vide which while disposing of the writ petition filed by the Gram Panchayat, it was directed as under:-

*“Keeping in view the aforesaid facts and circumstances, the present writ petition is hereby disposed of by preponing the date of hearing in the main petition for today, with a direction to respondents No.2 to 4 to auction Shamilat land of the petitioner, in accordance with law and deposit the sale proceeds of the auction in a separate account and shall not use the same until and unless other writ petitions bearing CWP Nos.6257 and 4100 of 2019 are decided by this Court one way or the other or some order is passed. CWP Nos.6257 and 4100 of 2019, which were ordered to be attached with this petition, are hereby released.”*

Thereafter, an application was moved for seeking clarification of the said order and vide order dated 01.10.2019, it was further directed as under:-

*“Counsel for the non-applicant/petitioner, after taking instructions from Devinder Singh, Sarpanch of the*

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*petitioner-Gram Panchayat, has submitted that the Gram Panchayat would recover the lease amount which was determined last year alongwith 25% extra from the persons who are stated to be in unauthorized possession of 66 acres of land and harvested the standing crop. It is submitted that the said amount shall be calculated by the nonapplicant/petitioner within a period of one week and shall be deposited in a Nationalized Bank in a separate bank account exclusively opened for this purpose. The Sarpanch of the non-applicant/petitioner-Gram Panchayat also undertakes to maintain the account/record of the amount received from every person in regard to the land which they have sown/cultivated. The Sarpanch also undertakes to comply with the order dated 04.09.2019 passed by this Court by which we had directed that the auction of the shamilat land in accordance with law and deposit the sale proceeds thereof in a separate account.*

*It is needless to mention here that the said auction has to be conducted under the directions of the Revenue Officer to be appointed by the Deputy Commissioner.*

*With these observations, the present application stands disposed of.”*

It is stated that the respondents have not complied with the aforesaid directions.

Separate affidavit by the Deputy Commissioner, District Development and Panchayat Officer as well Block Development and Panchayat Officer, are filed in the Court and they are on the same line.

As per the affidavit of the Deputy Commissioner, after seeking clarification, the auction of 66 acres 07 kanals and 10 marlas of the Gram Panchayat land was conducted for the year 2018-19 on 16.06.2018, details of which is given in the affidavit. It is also stated by giving a chart that the persons named therein were the successful bidders for the year 2018-19 and 2019-20 and the auction was conducted by taking 25% extra money against a receipt.

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Counsel for the State has argued that annually even in the subsequent years, the auction proceedings are being undertaken.

In view of the above, no willful disobedience is made out. Even otherwise, the petitioner has a remedy under Section 10-A of the Punjab Village Common Land Act, for redressal of his grievance, if any.

Dismissed.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**03.03.2023**  
*yakub*

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