

CWP-12948-2021

1

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

230

CWP-12948-2021

Date of Decision : April 11, 2023

DALER SINGH

-Petitioners

V/S

STATE OF HARYANA AND OTHERS

-Respondents

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

Present : Mr. Atul Bhatia, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

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

Mr. G.S. Bajwa, Advocate
for the respondent Nos.6 and 7.

SURESHWAR THAKUR, J.(ORAL)

1. Mr. Parminder Singh, Advocate, records his appearance on behalf of the co-respondent No.4, under a validly executed Vakalatnama, instituted before this Court today, and, which is taken on record.

2. The present petitioner was a participant in the auction proceedings, which became conducted for the leasing of the petition land(s), rather owned and possessed by the Gram Panchayat concerned. However, his bid, comprised in a sum of Rs.4,20,000/- was not accepted, as one Gurdayal Singh son of Dalip, made an auction bid in a sum of money higher than the monetary bid, as was made by the present petitioner. Consequently, the highest bidder, one Gurdayal Singh, was leased the petition land(s) by the Gram Panchayat concerned.

CWP-12948-2021

2

3. Though the learned counsel appearing for the petitioner submits that the auction bid was purportedly rigged, and, was not carried in a lawful manner, rather was conducted in a partisan manner, by the officer appointed to conduct the auction bid. However, the above made arguments, are rudderless, as they are not supported either by any pleadings, nor obviously through any supportive thereto material. Therefore, the prayer, as made in the instant petition, seeking an order from this Court for re-auctioning of the petition land(s), cannot be accepted, and, is rejected.

4. Be that as it may, this Court, through an order made on October 12, 2021, though had permitted the petitioner to deposit a sum of Rs.4,20,000/-, through a bank draft drawn in the name of Registrar (Judicial) of this Court, but, liberty was also reserved to the counsel for the petitioner to make an application for the refund of the said amount. The learned counsel appearing for the petitioner submits that the petitioner had moved an application for the said purpose, and, which was allowed, resulting in the withdrawal of the said deposited money. Therefore, since the bid amount comprised in a sum of Rs.4,20,000/-, as deposited by the present petitioner, has been refunded to the petitioner, resultantly, the petitioner is estopped from making any challenge whatsoever, to the auction bid, as he has through his making withdrawals of the deposited bid money, rather forfeited his right to claim that the auction bid was rigged, nor can he make any valid argument, that this Court make a direction upon the respondent(s) concerned, to re-auction the petition land(s).

5. The learned counsel appearing for the petitioner also submits that the Nambardar of the revenue estate concerned, one Bakhtawar Singh, who is holding a responsible position, has taken to unauthorizedly occupy

CWP-12948-2021

3

the petition land(s), and, hence an appropriate action, in accordance with law, be rather ordered to be drawn against him. However, at this stage, unless a valid demarcation of the petition land(s) is carried out, thereupon it is not permissible for this Court to conclude that there was any malafides on the part of the Nambardar of the revenue estate concerned, to make encroachment over the petition land(s). Moreover, since it is stated at the bar by the learned State counsel, that a demarcation has been carried out, and, that a petition under Section 7 of the Haryana Village Common Lands Act would also be very shortly filed. Therefore, the said petition be forthwith instituted, and, it be accompanied by a valid demarcation report of the disputed land(s). On presentation of such a petition before the Id. A.C. Ist Grade concerned, the same shall be decided through a speaking order made thereon, but, after hearing all affected persons. It is also clarified that the said petition shall be decided positively within three months of its preferment.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 11, 2023
devinder

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