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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13720-2022

Date of decision:23.01.2023

RAJESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. In pursuance to an advertisement becoming issued in the newspaper concerned, for making auction of the petition land, the writ petitioner herein participated in the said auction proceedings. He was also the higher bidder, and, as such his bid was accepted.

2. The acceptance of the highest bid of the petitioner, by the Auctioning Officer concerned, did entail, upon, the petitioner to, before the Auctioning Officer, and, at the auction venue, but imperatively deposit the entire auction money. However, the writ petitioner herein, though was the successful bidder for a *patta* in respect of the petition land, being granted to him, yet did not make deposit of the entire auction money on the spot before the Auctioning Officer. Contrarily, the writ petitioner moved this Court with a prayer that, since there is a deficiency in the area of the auction land, in respect whereof, he would ultimately assume possession, inasmuch as, on a tract of auctioned land, as also

became subjected to auction proceedings, there occurring a *shamshan ghat*. Therefore, there arose a necessity for a proportionate reduction in the lease money, being asked to be deposited by the writ petitioner, before the Authorities concerned. Though, this Court on the asking of the petitioner ordered, that the proportionate lease amount of Rs.2,11,000/-, becoming deposited by the successful bidder before the Authorities concerned. However, the above subsequent deposits of money, as made by the petitioner, in pursuance to the directions, as made by this Court, does not bestow any valid title, upon, the writ petitioner to claim, that thereafter a valid *patta* in respect of the auctioned lands, rather becoming issued to him.

3. The reason for making the above inference is but as simple, inasmuch as, the deposit of the entire auction sum by the successful bidder, has to be made on the completion of auction proceedings, and, before the Auctioning Officer concerned, besides at the auction venue. As above stated, the above was not made, therefore, the petitioner was not entitled to access this Court for any subsequent deposits being made of any sums of money, which he claimed to be proportionate to the lands, in respect whereof, he would ultimately assume possession.

4. In the face of the above, the learned counsel for the petitioner seeks leave to withdraw the instant petition. Leave granted.

5. Dismissed as withdrawn.

6. However, the Authority concerned, is directed to forthwith refund to the petitioner the entire sums of money, as became deposited by him before them.

7. In consequence, the Authorities concerned, are directed to put to re-auction the petition land but only after drawing a fresh auction notice, and,

subsequently publishing the same in the newspaper(s). In such auction proceedings, leave is also granted to the petitioner herein to make his participation therein. The above proceedings be definitely concluded within a month from today.

8. Moreover, the petitioner is also directed to forthwith retrieve the possession of the writ land to the Authorities concerned. The auction sale proceeds shall be appropriated by the respondent concerned, but the respondent concerned, may consider to disburse to the petitioner, the expenses incurred towards cultivation of the petition land, and, the expenses incurred towards the seeds/plants sown thereons.

(SURESHWAR THAKUR)
JUDGE

23.01.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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