

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-13687-2023

Date of Decision: 26.06.2023.

MUKHTAR SINGH AND OTHERS

...PETITIONERS

VS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Prateek Sodhi, Advocate
for the petitioners.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. Karminder Singh, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

1. Through this writ petition, as many as 67 petitioners pray for issuance of a writ in the nature of certiorari for quashing the auction notices issued on 12/20.06.2023. The petitioners claim to be allottees of plots under the Scheme of Rehabilitating landless/homeless persons.

2. It is the grievance of the petitioners that despite allotment of the plots by the Gram Panchayat, the possession of the plots have not been handed over, whereas, the Panchayat is making an attempt to disposed of the property by auction. On 23.06.2023, the following order was passed:-

“The issue in this case is that the auction of the land at the instance of Gram Panchayat which is already allotted to the petitioners by way of order and thereafter issuing Sanad to the petitioners as per the policy of the State Government.

Notice of motion.

Mr. Avinit Avasthi, A.A.G., Punjab, who is present in the Court accept notice on behalf of the State and submits that as per the instructions, the land which is going to be auctioned is separate from the land allotted to the petitioners.

Adjourned to 26.06.2023.

Let an affidavit of the D.D.P.O. concerned shall be filed on or before the next date of hearing with an advance copy to the other side, that land going to be auctioned is not part of land already allotted to the petitioners.”

3. During the course of hearing, the Block Development and Panchayat Officer, Chogawan, District Amritsar has filed a short reply stating that directions have already been issued to respondent No. 2 not to auction the land.

4. Learned counsel representing the petitioners submits that, though the transfer of title of the plots have already been taken place in favour of the petitioners, however, they are being deprived of possession. He submits that the respondent-State should be directed to take a conscious decision in this respect.

5. Mr. Karminder Singh, Advocate appearing for respondent No.2 has no objection to the aforesaid proposals of the petitioners.

6. Keeping in view the aforesaid facts, the writ petition is disposed of while directing the Department of Rural Development and Panchayat, Punjab, to consider the claim of the petitioners within a period of one month in accordance with law and pass a speaking order within the aforesaid time.

7. The Secretary, Department of Rural Development & Panchayat is requested to consider the writ petition as a representation on behalf of the petitioner.

(ANIL KSHETARPAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

26.06.2023
pry

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No