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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19423-2023

Date of decision:21.11.2023

HARJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. J.S. Mahal, Advocate for the petitioner.

Mr. Maninder Singh, DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsel for the petitioner has restricted his attack to the concurrently made annexures rendered respectively by the DDPO concerned, (Annexure P-1), and, by the Commissioner concerned, (Annexure P-2), to the extent, that the hereinafter extracted relevant portion, of the impugned orders, whereby after the Authorities below, thus rendering concurrent findings qua the present petitioner, rather making illegal occupation of the petition lands, thus imposed upon the petitioner, fine comprised in a sum of Rs.10,000/- per acre along with interest @ 9%.

“Therefore, this court keeping in view the above facts cancel the lease deed dated 01.08.2011 and evict the respondent from the Panchayati land bearing Khewat No.131 Khatoni No.294 Khasra No.76 (2-19). Moreover, this Court imposes fine to respondent @ Rs.10,000/- per acre along with interest @ 9% for illegal occupation over the land for last 7 years and to compensate the Gram Panchayat for loss

occurred keeping in view the quality of land as mentioned in the Jamabandi for year 2014-15 at page No.4, column No.5 as source of irrigation tubewell and in column No.7 quality of land as 'Chahi', and direct the respondent to deposit the fine in Panchayat fund within one month from the date of passing this order, and in non-deposit BDPO Gurdaspur is directed to attach the movable and immovable property of the respondent to recover the fine and same be deposited in Panchayat fund after recovery.

Order pronounced in open court. ”

2. Moreover, the hereinabove extracted relevant portion of the concurrently made impugned orders also reveals, that on non-deposit of the said fine, in the Panchayat fund within one month from the passing of the orders, thereby the BDPO Gurdaspur was directed to attach the movable and immovable property of the respondent, so that thereby, the imposed amount (supra), becomes recovered from the estate of the present petitioner.

3. Learned counsel for the petitioner would succeed in the above made espousal before this Court, only if the disputed land became allotted to him in pursuance to a validly conducted public auction, thus under the supervision of the competent officer.

4. In the above regard, it is apparent, on a reading of the orders (Annexure P-2), that the petitioner had not acquired possession of the petition lands, through a validly conducted auction, under the supervision of a competent officer, rather only on the basis of a letter issued by the DDPO concerned, he had assumed possession over the petition lands. The above made assumption of possession over the disputed lands, cannot be construed to be equivalent to the assumption of possession of the petition lands, in the otherwise legally ordained manner qua the said assumption being done in

pursuance to a public auction.

5. The consequence of the above, is that, the assumption of possession by the petitioner over the disputed lands rather was wholly illegal, and, that thereby the imposition of the fine upon the petitioner for his making cultivation of the petition lands, is both just, as well as sustainable.

6. In consequence, this Court finds no merit in the above prayer made before this Court, and, is rather inclined to dismiss the same. Hence, the above made prayer is rejected, and, both the concurrently made annexures are affirmed, and, upheld.

(SURESHWAR THAKUR)
JUDGE

21.11.2023

Ithlesh

(SUDEEPTI SHARMA)
JUDGE

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