

2024:PHHC:110315



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

220

CWP-4198-2021

Date of decision: 27.08.2024

DALBIR

.....Petitioner

VERSUS

DEPUTY COMMISSIONER PANIPAT AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. S.S. Aviraj, Advocate and
Mr. Karanveer Singh, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the Award dated 25.11.2019 vide which the application filed by the petitioner under Section 22-C of the Legal Services Authority Act, 1987 has been dismissed.

2. Learned Counsel appearing on behalf of the petitioner has vehemently emphasized that the petitioner had taken an agriculture land measuring 64 Kanal 9 Marla as Plot No. 10, Shamlat land in Khasra No.



47/3 on lease in the year 2016 and 2017 by offering the highest bid. The petitioner deposited a sum of Rs. 3,80,000/- towards Plot No. 13 for the year 2016 and 2017 in the account of Gram Panchayat Dahar against valid receipt dated 07.06.2016 and a sum of Rs. 5 lakhs vide receipt dated 03.05.2017 for the year 2017-2018. An application for demarcation of the Panchayat land and ponds was submitted by the Gram Panchayat before the Tehsildar, Panipat on 18.05.2016 whereafter a demarcation report was prepared by computer total machine on 19.07.2016. The demarcation was conducted in the presence of the representative of the Gram Panchayat alongwith the respectable persons of the village. As per the said report, the land given on lease was not complete because the part of the said land had been acquired and there was only 53 Kanal land available instead of 64 Kanal 09 Marla. An application was accordingly submitted by the petitioner for taking Plot No. 10 of the Panchayat land admeasuring 64 Kanal 09 Marla. But as per record the said land had already been given for making a small river, hence, the petitioner could not use and enjoy the land auctioned in his favour. Accordingly, an application was submitted before the Permanent Lok Adalat (Public Utility Services) under Section 22-C of the Legal Services Authorities Act, 1987 for seeking refund of the money or in the alternative to deliver possession of the land. The respondents entered appearance before the Permanent Lok Adalat and raised various objections with respect to the maintainability of the application and also jurisdiction of the Permanent Lok Adalat (Public Utility Services) under the Legal Services Authorities Act,



1987. A further averment had been made on merit that the entire 64 Kanal 09 Marla land had been handed over to the petitioner.

3. Upon consideration of the contentions and on failure of the conciliation proceedings, adjudication was undertaken by the Permanent Lok Adalat. The application was, however, dismissed by the Permanent Lok Adalat as no deficiency was noticed on the part of the respondents. Aggrieved thereof, the present writ petition has been filed.

4. I have heard learned Counsel appearing on behalf of the respective parties who have reiterated their contentions and submissions noticed above.

5. However, on consideration of the claim raised by the petitioner in light of the provisions of Section 22-C of the Legal Services Authorities Act, 1987 and the definition of “Public Utility Services” as prescribed under Section 22-A (b), it is apparent that the aspect of lease of the Gram Panchayat land to any bidder is not a part of the Public Utility Services defined under the Legal Services Authorities Act, 1987.

6. Since the jurisdiction of the Permanent Lok Adalat (Public Utility Services) is circumscribed to the aspects that have been notified as a Public Utility Service and the auction of the Gram Panchayat/Shamlat land to the willing bidders does not fall within the said domain and is largely an issue pertaining to the Punjab Village Common Lands (Regulation) Act, 1961 and the regulations framed thereunder, I find that the proceedings at the first instance could not have been maintainable before the Permanent Lok



Adalat itself. Thus, there was no occasion for examining the issue of deficiency/short coming. The issue as to whether the actual physical possession of the entire land whose auction had been given or that there was a short fall in the area and the necessary consequences that may fall as a result thereof are not within the domain of Permanent Lok Adalat. Hence, for the foregoing reasons, I find that the present writ petition is liable to be dismissed since the application under Section 22-C of the Legal Services Authorities Act, 1987 was not maintainable before the Permanent Lok Adalat at the first instance. The petitioner may, if so advised, take recourse to the appropriate remedy in accordance the law.

Ordered accordingly.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 27, 2024
Vishal Sharma

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