

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

2024.PHHC.168691-DB



(113)

CWP-17983-2024

Decided on :17.12.2024

Devi Lal

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. R.K. Handa, Ms. Gauri Handa, Mr. Dharambir Bhargav and
Mr. Kulwinder Bhargav, Advocates for the petitioner (s).

Ms. Arundhati Kulshreshtha, AAG, Punjab.

Ms. Kudrat Sareen, Advocate for
Mr. Arjun Kapur, Advocate for respondent No.6.

G.S. Sandhawal, J.(Oral)

1. In the present writ petition filed under Articles 226/227 of the Constitution of India directions are sought for conducting the auction of 26 acres Panchayati land in village Chhaju Bhatt, which is reserved for Scheduled Caste Category, since it is alleged that respondents have already conducted the auction of 46 acres and have allotted the same to the persons of General Category.

2. On 31.07.2024, we had asked the State to file the status report. Short reply by way of affidavit of Smt. Baljit Kaur Dhillon, BDPO, Patiala has been filed on 28.11.2024, whereby we have been informed that the auction of the land had already been done in favour of the Scheduled Caste category person. The details have been enumerated in the said affidavit that initially there were 80 Acres of Shamlat Land, which was auctioned in the open auction on yearly basis and as per settled norm of the State Government. It has further been averred that 10 acres of land was allotted to Gaushala for construction of the

Cattle Pond as per Rule 13 of the Punjab Village Common Land (Regulations) Act, 1964, vide order dated 22.12.2005 (Annexure R-1). It is a matter of record that the said order has not been challenged as such. The balance 70 acres of land was, thus, apportioned between the Scheduled Caste Category persons i.e. 23½ acres and remaining 2/3rd share i.e. 46½ fell to General Category. It has further been mentioned that 43 ½ acres of land has been auctioned in general public against 46 ½ acres which is less than 3 acres to their share. The details of the land allotted in the General Category are as under:-

“6.That a meeting was held on 19.06.2024 under the Presidentship of Panchayat Officer, Block Nabha at Village Chhaju Bhat and thereafter the Shamlat land of 43.5 acres was allotted to General Category Plot No. 3+ 9 of total 12 acres were auctioned to Ram Lal son of Gujreet Singh, Plot No. 10 of total 0.2 acres was auctioned to Ravi Joshi, Plot No. 5+6 of total 19 acres was auctioned to Lovepreet Singh son of Gulzar Singh and Plot No. 7 of total 13 acres was auctioned to Bhupinder Kumar son of Lakha Kumar in open auction. It is pertinent to mention here out of Shamlat land of 43½ acres, land measuring 24 Kanal 18 Marla (i.e. 3 Acrea 18 Marla) has been kept reserve for plantation of trees in the interest of general public, due to change of climate. Thus only 43% Acre has been auctioned in general public against 46% Acres, i.e. 3 Acre less than their share.”

3. Regarding the Shamlat land measuring 23.5 acres, the details have been given in paragraph No.7 of the affidavit that as to how the land had been allotted in the form of three separate plots consuming the 23.5 acres. The said details are reproduced as under:-

“7.That Shamlat land measuring 23.5 acres was allotted to reserved category belonging to SC community in open auction and the Plot No.1 of total 10 acres, 2 Kanal and 19 Marla was auctioned to Amritpal Singh son of Satpal Singh on 10.07.2024, Plot No.2 of 2 acres, 6 Kanal 6 Marla was

allotted to Roop Singh son of Vahr Singh on 10.07.2024 and Plot No. 8 of 10 acres, 1 Kanal, 19 Marla was auctioned to Gurdhian Singh on 18.09.2024 (i.e. approximately 23½ Acre). Copy of site plan is attached herewith as Annexure R-2.”

4. The above details would, thus, make the plea infructuous, as the claim for auction of the land reserved for Scheduled Caste category and after allotting the land to Gaushala, the portion of 23.5 acres as such was left, which has been duly auctioned. In such circumstances, the petitioners have no grouse left. The present writ petition is, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

17.12.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No