



CR-4372-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(327)

CR-4372-2024

Date of decision: - 21.08.2024

Naresh Kumar

....Petitioner

Versus

Block Development and Panchayat Officer and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Jagdish Manchanda, Addl. Advocate General, Haryana
for respondent No.1.

Mr. Sanjeev Kumar Panwar, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India against the order dated 26.07.2024 (Annexure P-8) passed by the Civil Judge (Junior Division), Palwal and order dated 30.07.2024 (Annexure P-10) passed by the Additional District & Sessions Judge, Palwal, whereby the application filed by the petitioner under Order 39 and Rules 1 & 2 of CPC has been declined and the appeal of the petitioner has been dismissed.

2. On 05.08.2024, this Court was pleased to pass the following order: -

“Inter alia contends that in the present case, the petitioner had pleaded that he is a tenant in the premises and even as per the stand of the defendants, which has been recorded by the trial Court at page 59 of the paper-book, it was stated that the petitioner had a lease in his



favour from 24.01.2019 to 23.01.2024. It is submitted that the petitioner had been paying Rs.22,000/- p.m. and the last payment was paid on 15.07.2024 i.e. after the expiry of the said lease deed. It is further submitted that in the said situation, the notice under Section 24 of the Haryana Panchayati Raj Act, 1994 which provides for removal of encroachment and nuisance would not be applicable in the present case as the petitioner was earlier admittedly a tenant. It is argued that the petitioner has built up a 'dhaba' and his family are members surviving on the income from the said 'dhaba' and that in case, respondent No.2-gram panchayat comes up with the stand that they need the premises in question for any public purpose/common purpose, then, the petitioner would vacate the premises within the time as deemed appropriate by this Court. It is stated that however, in case the gram panchayat has to further lease the premises in question to a third party, then, the case of the petitioner for extension of lease be also considered and even in case the said property is to be auctioned, then, the petitioner be also allowed to participate in the said auction. It is argued that till the next date of hearing, the dispossession of the petitioner be stayed and he is ready to pay an amount of Rs.30,000/- per month i.e. Rs.30,000/- for the month of July and further an amount of Rs.30,000/- for the month of August.

Notice of motion for 21.08.2024.

At this stage, Mr. Jagdish Manchanda, Additional Advocate General, Haryana, appears and accepts notice on behalf of respondent No.1.

Liberty is granted to the petitioner to serve respondent No.2 through dasti process as well.

Till the next date of hearing, status quo, as it exists today, be maintained. The same would be subject to the petitioner depositing an amount of Rs.60,000/- with the respondent No.2-gram panchayat, within a period of one week from today.

It is made clear that in case, the petitioner does not deposit the said amount within the aforesaid period, then, the present revision petition would be deemed to have been dismissed. It is also made clear that the deposit of the said amount would not create any equity in favour of the petitioner.



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To be taken up at 10.00 AM.”

3. Learned counsel appearing for respondents No.1 and 2, on instructions from Neeraj, Sarpanch of Gram Panchayat Gadpuri, District Palwal, have submitted that the gram panchayat is planning to carry out the auction of the premises in question in accordance with law and have further submitted that till the time the said auction is conducted, the petitioner can continue to be in possession of the premises in question on the payment of Rs.30,000/- per month. It is stated that in case the petitioner is the highest bidder in the auction proceedings, then, the gram panchayat would enter into a fresh lease deed on the basis of the bid given for a further period of time. It is also submitted that in case the petitioner is not the highest bidder, then, he should immediately vacate the said premises.

4. Learned counsel for the petitioner has submitted that the statement made by learned counsel for respondents No.1 and 2 is agreeable to the petitioner subject to two additional conditions. It is stated that, in case, the petitioner is not the highest bidder in the auction proceedings of the premises in question, a period of 15 days be granted to him to vacate the said premises and has further submitted that the auction proceedings be videographed.

5. Learned counsel for respondents No.1 and 2 have very fairly submitted that the said two conditions are also acceptable to them.

6. Keeping in view the above-said facts and circumstances and the consensus reached between the parties during the course of hearing,

the present revision petition is disposed of with the following conditions:-

- (i) It would be open to respondents No.1 and 2 to carry out the auction of the premises in question in accordance with law.
- (ii) Petitioner would continue to be in possession of the premises in question till the time the auction proceedings are finalized subject to the payment of Rs.30,000/- per month to respondent No.2/gram panchayat. In case of any default in payment by the petitioner of the said amount, respondents No.1 and 2 would have the right to take immediate possession of the premises in question.
- (iii) In case in the auction proceedings the petitioner is the highest bidder, then, a fresh lease would be executed between the petitioner and respondent No.2/gram panchayat and the rent would be assessed on the basis of the bid of the petitioner.
- (iv) In case the petitioner is not the highest bidder, then, he would hand over the vacant possession of the premises in question within a period of 15 days from the date of the auction in question. In case the said possession is not handed over within the aforesaid period, then, it would be open to respondents No.1 and 2 to take police help to get the possession of the suit premises.
- (v) The auction proceedings would be videographed.

7. Both the parties would be bound by the conditions incorporated in the present order.

August 21, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No