



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(122)

CWP NO.20077 of 2024
DATE OF DECISION: 20.08.2024

Sahil and others

.....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM HON’BLE MR. JUSTICE G. S.SANDHAWALIA
HON’BLE MRS. JUSTICE MEENAKSHI I.MEHTA

Present Dr. Ms.Eliza Gupta and
 Mr. Hemant Aggarwal, Advocates,
 for the petitioners.

Ms.Arundhati Kulshreshtha, AAG, Punjab.

G.S.SANDHAWALIA, J (ORAL)

1. The innocuous prayer as such made in the present petition is for permission to participate in the auction which is fixed to be held on 21.08.2024 at 10:00 am in the office of the respondent no.3 - Block Development and Panchayat Officer, Andana at Moonak.
2. As per the notice dated 12.08.2024 (Annexure P-2), the said auction is for the reserved ‘tak’ (chunk) of Shamlat land of Gram Panchayat Chatha Gobindpura. The petitioners also belong to the Scheduled Caste category but are apprehending that on account of the private respondents, Union and some community leaders – respondents no.5 and 6, they would be stopped from participating in the auction proceedings.
3. It has been mentioned in the representation Annexure P-3 that on an earlier occasion, i.e on 29.07.2024 also, they were stopped to participate in the auction proceedings, due to which the nuisance had occurred in the village. They draw



apprehension as such that as per clause 3 of the Instructions dated 21.04.2017 (Annexure P-1), if any person belongs to Scheduled Castes and has been working as labourer with any person who does not belong to Scheduled Caste, then he may not be allowed to participate in the auction till the majority persons of the Scheduled Castes of the village do not give in writing in his favour that he will personally cultivate the said land.

4. Notice of motion.

5. Ms. Arundhati Kulshreshtha, AAG, Punjab accepts notice on behalf of State and seeks time to have instructions in the matter.

6. Learned counsel for the petitioners has rightly pointed out that as per the Instructions dated 21.04.2017 (Annexure P-1), if any person belongs to the non-scheduled caste and is found cultivating the land reserved for Scheduled Caste and this fact has been verified through preliminary inquiry by the residents of the village, then, as per the provisions of Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 or on the basis of any complaint, the Collector-cum-District Development and Panchayat Officer of the District can call for the record of the Gram Panchayat regarding leasing out the land to the Scheduled Castes and after hearing, Collector can cancel the auction.

7. Keeping in view the above, we are of the considered opinion that apprehension, as such, of the petitioners is to be addressed by the official respondents so that the petitioners can participate in the auction proceedings, to be held tomorrow i.e on 21.08.2024 at 10:00 am in the office of the respondent no.3 - Block Development and Panchayat Officer, Andana at Moonak. The officials respondents shall ensure that if the petitioners belong to Scheduled Caste, then they may be allowed to participate in the auction.

8. Disposed of accordingly.



9. Pending applications, if any, shall stand disposed of along with this judgment.

(G.S.SANDHAWALIA)
JUDGE

20.08.2024
mamta

(MEENAKSHI I.MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No