

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.106)

LPA No.2024 of 2023
Date of decision: 10.01.2024

State of Punjab and others

.....Appellants

Versus

Khushpal Singh

.....Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Ramandeep Singh Pandher, Sr. DAG, Punjab
for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra Court appeal preferred by the State of Punjab is directed against the judgment dated 05.05.2023 passed by a learned Single Judge of this Court allowing the writ petition filed by the respondent through which the respondent had challenged the order dated 15.10.2014 whereby auction of 1.02 acres of land in the respondent's favour had been cancelled by the State after 15 years from the date of the auction.

(2) Briefly stated, the facts are that in the year 1998 the State of Punjab put to auction certain tracts of land. The land was to be sold to the higher bidder on free hold basis. 1.02 acres of land in village Gaggarbhana, District Amritsar (hereinafter referred to as the land in question) was one of such tracts of land which was put to auction. The respondent participated in the auction and for the land in question made a bid of Rs.2,61,120/-. His bid being the highest was accepted. As required he made a deposit of 10% of the bid amount at the spot. Thereafter, the respondent was put in possession of the land

in question. As per the terms of the auction 25% of the bid amount was also deposited by the respondent within 60 days of the auction. The balance 65% of the bid amount was required to be deposited in 04 equal annual instalments. These instalments carried interest at the rate of 15% per annum. There was irregularity on the part of the respondent in making such deposit but ultimately, by the year 2011 he deposited the entire amount due along with interest at the rate of 15% per annum. The deposits made by the respondent were duly accepted by the State. Later, it came to the knowledge of the State that the deposit by the respondent had been made beyond the terms of the auction and therefore, through its order dated 15.10.2014 the auction in the respondent's favour was cancelled. The bid amount deposited by the respondent was also ordered to be forfeited. In the meanwhile, the officer who had accepted the balance amount from the respondent was charge-sheeted. The order dated 15.10.2014 was challenged by the respondent through a writ petition which has been allowed by a learned Single Judge of this Court. Hence the present intra court appeal.

(3) Learned State counsel submitted that as per the terms of the auction the respondent was required to deposit the entire bid money within 04 years and 02 months from the date of the auction but since he admittedly did not do so, as per the terms which governed the auction, the State had rightly passed the order to cancel the auction and the consequent allotment of the land in question in favour of the respondent as also for forfeiting the entire bid amount deposited by him.

(4) Learned State counsel has been heard and with his able assistance the record of the case has also been perused.

(5) In the year 1998 the State put to auction 1.02 acres of land in village Gaggarbhana, District Amritsar. The respondent's bid being the highest

was accepted. As required, he deposited 10% of the bid amount and thereafter, 25% of the bid amount within 60 days of the auction.

(6) The respondent was put in possession of the land in question in the year 1998.

(7) It is true that as per the terms which governed the auction the balance 65% of the bid amount was not deposited by the respondent within the allocated period of 04 years. However, the respondent is a farmer; he was put in possession of the land in question in the year 1998; the land in question measures only 1.02 acres; way back in the year 2011 the respondent had deposited the entire bid amount along with 15% interest; the State had without any protest accepted the entire bid amount deposited by the respondent; the officer who had accepted the bid amount from the respondent in the year 2011 was later charge-sheeted but, after an enquiry, was duly exonerated and that the State has also not been put to any financial prejudice.

(8) In the light of the afore peculiar facts, we are not inclined to interfere with the impugned judgment through which the learned Single Judge, in the exercise of his extra ordinary writ jurisdiction, has granted relief to the respondent.

(9) Dismissed.

(DEEPAK SIBAL)
JUDGE

10.01.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No