

2025:PHHC:018058



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

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**CWP-11624-2024
Date of Decision: 06.02.2025**

JAGSIR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

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

Present: Mr. Nandan Jindal, Advocate and
Mr. Tushar Sabherwal, Advocate
for the petitioner.

Mr. Balwinder Singh, AAG, Punjab.

Mr. D.K. Singla, Advocate and
Mr. Parminder Singla, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 14.03.2024
(issued on 27.03.2024) passed by respondent No.1 - Addl. Chief Secretary to
the Government of Punjab, Rural Development and Panchayat Department,
Punjab.

Learned counsel for the petitioner contends that the Gram
Panchayat had published an advertisement for giving the Gram Panchayat land
on lease for a period of ten years for running a fish farm in the village pond in
an open auction and the reserve price for the same was fixed as Rs.45,000/-.
The petitioner was the successful bidder having furnished the highest bid @

Rs.52,000/- per year for a period of ten years with a condition of 5% yearly increase. He contends that the possession of the village pond was handed over to the petitioner in furtherance of said resolution passed by the Gram Panchayat. Since then, the petitioner has been paying the lease money continuously and has been running the fish farm therein since 2020 and has also installed an electricity connection and borewell after spending a sum of more than Rs.14/15 lacs. It is submitted that a complaint was, however, filed by the private respondents under Section 10-A of the Punjab Village Common Lands Act, 1961 before the District Development and Panchayat Officer, Patiala. A settlement was, however, arrived at between the parties during the pendency of the said complaint and as per the said compromise, out of 09 acres only 4½ acres of land was given to the petitioner for fish farming whereas the remaining land was reserved for drainage of dirty water of the village. The petitioner was accordingly handed over possession of 50% of the land for drainage of dirty water of the village. It is submitted that despite the said compromise, the private respondents did not honour the same and continued to pursue the matter before the District Development and Panchayat Officer, Patiala. The said complaint was eventually dismissed on merits on 08.11.2021 by passing a reasoned and speaking order. The said order was challenged by the private respondents before the Joint Development Commissioner, which has now been decided vide impugned order dated 14.03.2024. The said order reads thus:

“Order

Without going into the merits of the case, the case is remanded back to Director, Rural Development and Panchayats to decide afresh after affording the opportunity of hearing to the concerned. The order dated 11.03.2022 is set aside.”

Learned counsel for the petitioner contends that the matter has been remanded to the Director, Rural Development and Panchayats for passing a fresh order without giving any reasons for coming to such conclusion. The said order thus cannot be said to be speaking and does not adhere to the principles of a speaking order.

Learned counsel for private respondent No.4, however, vehemently argues that there was an illegality committed by the Authorities in the auction process and that the order has been rightly passed by the Addl. Chief Secretary, Department of Rural Development and Panchayats. The impugned order of the Director has been set aside and the matter has been remanded for fresh decision.

However, on being confronted, the counsel for the contesting respondent No.4 as well as the State Counsel are not in a position to dispute that the impugned order of remand does not cater to the founding principles of a speaking order as there is no discussion of any of the contentions or even as regards any factual aspects having been incorrectly recorded by the Director, Rural Development and Panchayats.

In view of the above, I find that the impugned order dated 14.03.2024 endorsed on 27.03.2024 is a non-speaking order. The same is accordingly set aside. The matter is remanded to the Additional Chief Secretary to Government of Punjab, Department of Rural Development and Panchayats to pass a fresh speaking order after granting an opportunity of hearing to the respective parties.

Let the needful be done within a period of three months of the parties entering appearance before the Additional Chief Secretary to Government of Punjab, Department of Rural Development and Panchayats.

The parties concerned are directed to appear before the said Appellate Authority on 27.03.2025.

Petition stands allowed in above terms.

FEBRUARY 06, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*