

2025:PHHC:102253



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

CWP-21426-2025

Date of Decision: 06.08.2025

Ram Karan @ Ram Karan Gir

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sumit Dua, Advocate for
Mr. Prashant Bansal, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. A.P. Kaushal, Advocate
for respondent No.4.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 13.09.2019 (Annexure P-8) passed by the learned Director, Rural Development and Panchayat Department, Vikas Bhawan, Sector-62, S.A.S. Nagar; and order dated 19.09.2024 (Annexure P-10) passed by the learned Secretary to Government of Punjab, Department of Rural Development and Panchayats, Vikas Bhawan, Sector-62, S.A.S. Nagar.

2. A perusal of order sheets reveals that on 29.07.2025, the following order was passed by this Court:-

“Petition herein is, inter alia, for issuance of a writ in the nature of Certiorari for setting aside order dated

13.09.2019 (Annexure P-8) passed by the learned Director, Rural Development and Panchayat Department, Vikas Bhawan, Sector-62, S.A.S. Nagar; and order dated 19.09.2024 (Annexure P-10) passed by the learned Secretary to Government of Punjab, Department of Rural Development and Panchayats, Vikas Bhawan, Sector-62, S.A.S. Nagar.

2. In the present case, the dispute pertains to a constructed shop, in which the petitioner was permitted to continue as a tenant by the previous Gram Panchayat. A resolution dated 19.05.2018 was passed by the said Panchayat, resolving to let out the shop to the petitioner for a period of five years at a monthly rent of ₹445/-. The said resolution was subsequently challenged by the Gram Panchayat by way of filing a petition before the Director, Rural Development and Panchayats Department, Punjab, which was allowed vide order dated 13.09.2019 (Annexure P-8), thereby cancelling the resolution. An appeal preferred by the petitioner against the said order was also dismissed by the learned Secretary to the Government of Punjab, Department of Rural Development and Panchayats, vide order dated 19.09.2024 (Annexure P-10). It is submitted that the shop in question is now being put to auction.

3. After arguing for some time, learned counsel for the petitioner submits that the petitioner would not press the present petition insofar as the challenge to the impugned orders is concerned. However, considering the fact that petitioner is in possession of the shop, which is now being put to auction, it is prayed that he may be permitted to participate in the auction process. It is stated that in the event the petitioner turns up as the highest bidder, he would continue in possession of the shop as per the auction terms and conditions, however, if the petitioner is unsuccessful, he undertakes to vacate the premises within a period of ten days from the date of auction. Learned counsel further submits that until the auction is conducted, the petitioner may be allowed to retain possession of the shop.

4. *At this stage, Mr. Harpreet Singh, Assistant Advocate General, Punjab appears on behalf of the respondent-State, in pursuance of the advance copy of paper book having already been supplied to him, and does not raise any serious dispute to the aforesaid course of action being adopted. However, he submits that the petitioner be directed to give an undertaking by way of an affidavit to that effect.*

5. *Learned counsel for the petitioner seeks a short accommodation to file an affidavit of the petitioner, stating that in the event he succeeds in the auction, he shall continue to retain possession of the shop in accordance with the terms and conditions of the auction, and in case he is unsuccessful, he shall vacate the premises within a period of ten days from the date of the auction.*

6. *At his request, adjourned to 31.07.2025.*

7. *Let the needful be done on or before the next date of hearing.”*

3. Today, learned counsel for the petitioner has handed over affidavit dated 30.07.2025 of the petitioner in Court today, which is taken on record, subject to all just exceptions. Copies thereof have also been supplied to learned State counsel as well as learned counsel for respondent No.4, in Court today itself.

4. Relevant extract of the aforesaid affidavit dated 30.07.2025 reads as under:-

“1. That the petitioner/deponent is in possession of shop in question and the petitioner/deponent will participate in the auction conducted by the Gram Panchayat of Village Nalas Kalan qua the shop in question.

2. That the petitioner/deponent is giving an undertaking that he will vacate the shop in question within 10 days if he is not the highest bidder in the auction qua the shop in question.”

5. Learned counsel for respondent No.4 states that the petitioner

may be permitted to participate in the auction, subject to clearance of rent arrears, which are stated to be Rs.10,700/- as on date.

6. In response, learned counsel for the petitioner submits that the petitioner undertakes to clear the aforesaid arrears within a period of ten days from today.

7. Heard.

8. In view of the submissions made by learned counsel for the petitioner, as recorded in order dated 29.07.2025 (extracted above), the present writ petition is dismissed as withdrawn insofar as the challenge to the impugned orders is concerned. However, since the petitioner has undertaken to clear the arrears of rent within a period of ten days from today so as to participate in the auction to be conducted by the Gram Panchayat, Village Nalas Kalan, in respect of the shop in question, it is directed that in the event the petitioner clears the arrears of rent and participate in the auction and if he turns up as the highest bidder in the auction, he shall be permitted to continue in possession of the shop, subject to the terms and conditions of the auction. However, if the petitioner is unsuccessful in the auction, he shall vacate the shop within a period of ten days from the date of the auction.

9. The present writ petition is accordingly disposed of in the aforesaid terms.

10. All pending application(s), if any, shall also stand closed.

06.08.2025

Apurva

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |