



CWP-9068-1993 (O&M)

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

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CWP-9068-1993 (O&M)

Date of Decision: 26.02.2026

Dropati Devi (deceased) through her legal representatives

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Parveen Chauhan, Advocate for the petitioner
 Mr. Akshit Pathania, Assistant Advocate General, Haryana
 Mr. Som Nath Saini, Advocate for respondent No.4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 25.06.1993 whereby respondent dismissed her revision petition with respect to auction of 32 Kanals land.

2. The respondent on 27.11.1981 put on auction 32 Kanals land comprised in Khasra No.32//17 (8-0), 18(8-0), 23(8-0) and 24(8-0) situated in Village Kaura Pura Tehsil Naraingarh District Ambala. The petitioner submitted bid of ₹6,000/- and reserve price was ₹11,200/-. The Tehsildar (Sales) on 27.01.1982 reported that highest bid was below the reserve price, thus, resale should be conducted. The file was forwarded to competent authority for passing an appropriate order. The competent authority recommended re-auction on 30.01.1982, however, a cutting was made and reserve price was reduced from ₹11,200/- to ₹1,352/-. Tehsildar (Sales) on



the same may please be confirmed'. The authority confirmed the bid on 09.06.1982. The petitioner failed to deposit installments after depositing 1/8th of earnest money and consequently auction was cancelled and land was again put to auction. The re-auction took place on 05.02.1988. Sadhu Singh-respondent No.4 was declared highest bidder. He deposited 1/8th of sale price and auction was confirmed on 21.03.1988. The warrant of possession was issued and vide Rapat No.373 possession was delivered to him on 31.03.1988. One Clerk, after confirmation of second auction without seeking approval of higher authorities, deposited installments with respect to first auction. The petitioner preferred three revisions which came to be dismissed.

3. Learned counsel for the petitioner submits that respondent vide letter dated 09.04.1990 has certified that petitioner was *bona fide* purchaser of land in question. Letter dated 05.10.1992 of Tehsildar (Sales) addressed to Chief Settlement Commissioner reveals that land was put on re-auction because of mistake on the part of officials. The mistake occurred due to non-completion of property register by Kanungo (sales).

4. *Per contra*, learned State counsel as well as counsel for respondent No.4 submits that land was put to auction on 27.11.1981. The reserve price was ₹11,200/- and bid of the petitioner was of ₹6,000/-. The highest bid being less than reserve price was liable to be rejected, however, some official made cutting in the documents and made reserve price ₹1,352/-. The Tehsildar had recommended re-sale, however, at a later stage, some official recorded that auction has already been confirmed. The sale could be confirmed by Settlement Officer (Sales) whereas document relied upon by the petitioner discloses that it was confirmed by Settlement



against Clerk who got deposited installments from the petitioner beyond the prescribed date without seeking approval of competent authority.

5. Heard the arguments and perused the record.

6. The writ petition was allowed vide order dated 23.10.2013 passed by this Court. The operative portion of order dated 23.10.2013 reads as:

“Learned counsel for the petitioner, at the very outset, fairly states that to cut the controversy short, he has got the instructions to say that petitioner is ready and willing to pay the difference of the amount, i.e. Rs.5200/- right from the date of auction in her favour alongwith interest @9% per annum. He further submits that since respondent No.4 is not interested in the matter and the State shall also not be looser, the impugned order may be set aside permitting the petitioner to pay the differential amount alongwith interest @ 9% per annum.

Faced with the above, learned counsel for the State also fairly states that let the petitioner be permitted to deposit the differential amount of Rs.5200/-from the date of auction in her favour alongwith interest @ 9% per annum. Learned counsel for the State was justified in not raising any objection to the fair offer made by the learned counsel for the petitioner.

In view of the above, the present writ petition is allowed. The impugned order dated 25.6.1993 (Annexure P-3) passed by respondent No.2 is hereby ordered to be set aside. Consequently, petitioner is directed to deposit differential amount of Rs.5200/- alongwith interest @ 9% per annum w.e.f. 27.11.1981 till the date of deposit. Let the petitioner deposit the amount within a period of three months with Tehsildar (Sales), Department of Rehabilitation, Ambala-respondent No.3.



Resultantly, with the observations made and directions issued as here-in-above, the instant writ petition stands allowed, however with no order as to costs”

7. The State as well as respondent No.4 preferred Intra Court Appeals which came to be allowed by way of remand.

8. From the perusal of record, it is evident that land in question was put on auction on 27.11.1981. The reserve price was ₹11,200/-. The petitioner was the highest bidder and her bid was of ₹6,000/-. One or another officer of the Department made cutting in the relevant documents and reduced reserve price from ₹11,200/- to ₹1,352/-. Tehsildar (Sales) in the very same document which was prepared post auction of November’ 1981 had reported that land be re-auctioned.

9. The petitioner was highest bidder in the auction of November’ 1981, however, her claim deserves to be considered in the light of following factors:

- i. The reserve price was ₹11,200/- and her bid was of ₹6,000/-. Cutting was made in the record and amount of highest bid was substituted by ₹1,352/-. Cutting in the record is manifest;
- ii. The petitioner’s bid being less than reserve price could not be accepted without reduction in reserve price. By making cutting in the figure, reserve price could not be changed;
- iii. The respondent in the document which was prepared post November’ 1981 auction categorically observed that land be re-auctioned;



- iv. Land was put to re-auction on 05.02.1988. This time respondent No.4 made highest bid of ₹32,500/-;
- v. Respondent No.4 who was declared highest bidder in second auction deposited bid money as per schedule;
- vi. The respondent handed over symbolic possession to respondent No.4 on 31.03.1988;
- vii. The petitioner allegedly made deposit of installments in December' 1989 and June' 1990 which were much after the confirmation of second auction;
- viii. The petitioner never challenged second auction before competent authority. She filed 3 revisions petitions on different grounds which were dismissed by Revisionary Authority;
- ix. Sale in favour of the petitioner was never confirmed by competent authority. The alleged deposits beyond the prescribed period were accepted by an incompetent officer. No approval of competent authority was sought; and
- x. The respondent has initiated action against its Clerk who accepted installments beyond prescribed period.

10. The above stated facts collectively indicate that confirmation of auction in favour of the petitioner was more or less collusion between the petitioner and few officials of the respondent. The auction in favour of respondent No.4 was just, fair and in accordance with law. Said auction has not been challenged by anyone including petitioner.

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11. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

12. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.02.2026*Mohit Kumar/SDK*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No