



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

201

LPA-1655-2014 (O&M)

Date of Decision: 19.02.2026

Harcharan Singh (since deceased) through LRs

....Appellants

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ankit Aggarwal, Advocate
for the appellants.

Mr. Sandeep Chhabra, Additional Advocate General, Haryana.

Mr. Gaurav Mohunta, Senior Advocate with
Mr. Gaurav Gogna, Advocate
for respondent No.3.

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 29.07.2013 passed in CWP-12644-1992 by the learned Single Judge, by which, the writ petition filed by respondent No.3 – Raghubir Singh with regard to the cancellation of the auction, has been accepted so as to set aside the same and the auction proceedings which concluded in favour of respondent No.3 has been held to be valid.

2. The learned counsel for the appellants submits that the auction process which was undertaken was a sham process and even as per the order dated 13.05.1992 (Annexure P-3) passed by the Settlement Commissioner, the said auction was set aside on the ground that the signatures of certain bidders



were different at every stage and that enough publicity was not given before conducting said auction. Learned counsel for the appellants further submits that the said aspects which were taken into consideration by the authorities so as to cancel the auction, have not been appreciated by the learned Single Judge correctly so as to grant the relief to respondent No.3 by holding that the auction which was conducted by which land was given to respondent No.3, was valid. Hence, the impugned order dated 29.07.2013 passed by the learned Single Judge may kindly be set aside and the order passed by the authorities may kindly be revived so as to cancel the auction in question.

3. The learned counsel for the appellant further submits that the Settlement Commissioner is not bound to accept the auction as per Rule 5 (1) for the State of Surplus Rural Properties and has a discretion to reject the same and which discretion once exercised, should not have been overruled by the learned Single Judge.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. The last argument raised by the appellant is taken up consideration for adjudication first as to whether, the Settlement Commissioner has the discretion to accept or reject an auction already undertaken. It should be noted that though it is quite clear that the Settlement Commissioner has an authority to decline an auction process already undertaken but the same has to be based upon cogent reason. The Rules though providing the Settlement Commissioner with the power to reject an auction but the same cannot be interpreted in such a manner that even without giving any cogent reasons, the Settlement Commissioner can deny a validly



held auction. Hence, the argument raised by the learned counsel for the appellant that even without giving reasons, the Settlement Commissioner can decline to accept an auction already held, cannot be accepted.

6. Further, the argument raised by the learned counsel for the appellants is that the process of auction undertaken by which land was grant in favour of respondent was a sham.

7. It may be noticed that the appellant was not even a participant in the auction process which is sought by him to be cancelled by him. The record was summoned by this Court and same was perused which shows that there were four participants in the said auction process, record of which has been duly depicted along with their signatures and their bids offered. Hence, after perusal of the record, it cannot be said that the said auction was a collusive one auction especially when no justifiable reason depicting same has been brought before this Court.

8. Another argument corollary to last one raised by the learned counsel for the appellants is that once the Settlement Commissioner has given reason so as to reject the process of auction undertaken that the signatures of two of the participants in the auction do not match, which is a good reason for not accepting the auction, and same should not have been overruled by the learned Single Judge qua said argument it should be noted that original record qua the said fact was seen by this Court. Even from a naked eye, the objection so taken by the learned Settlement Commissioner can be safely held to be incorrect. Moreover so, the signatures of all the participants were duly matched while certifying their respective bid. Hence, the reason which has been given by the Settlement Commissioner so as to not to accept the auction,



is incorrect and same cannot be accepted. Further, the auction was already finalized and the land has also been given to the respondent and the possession of the same in part has been given.

9. Even otherwise, the appellant is a stranger to the auction. He never participated in the auction and never submitted the objection within the time frame of 10 days as has been stipulated in Rule 9. The said fact has gone un rebutted at the hands of the appellants even during the hearing today. That being so, on the asking of a third party who has not even participated in auction proceedings, the auction cannot be put to a scrutiny though, the said scrutiny has been done by this Court after pursuing the original record as well.

10. No further argument has been raised.

11. Keeping in view the totality of the circumstances, as no perversity has been shown in the impugned order dated 29.07.2013 passed by the learned Single Judge, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Accordingly, the appeal is dismissed.

13. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 19, 2026
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No