

HIGH COURT OF PUNJAB AND HARYANA**Bench: Justice Sureshwar Thakur And Justice Kuldeep Tiwari****Date of Decision: 16 October 2023****CWP-23427-2023****MANJIT SINGH SRAN****-PETITIONER****V/S****-****STATE OF PUNJAB AND OTHERS****RESPONDENTS**

Subject: auction proceedings, specifically the rescission of a successful bid and subsequent re-auctioning of disputed lands. It also addresses the petitioner's request for a mandamus for a prompt decision on a pending statutory appeal and provides guidance on the legal remedy available to the petitioner.

Headnotes:

Auction Proceedings - Rescission of Auction - Challenge to auction proceedings for disputed lands - Petitioner's successful bid rescinded due to excess payment by another party - Re-auctioning ordered - Petitioner's grievance against the orders of rescission and re-auction. [Para 1-4]

Withdrawal of Writ Petition - Permission granted to withdraw earlier writ petition challenging the impugned orders - Liberty to file a statutory appeal against the orders with a provision for staying their operation - Petitioner's subsequent appeal pending without a decision. [Para 4]

Mandamus for Prompt Decision - Petitioner seeks a mandamus for a prompt decision on the pending statutory appeal - Court's inability to grant the mandamus explained. [Para 5-8]

Re-auction and Assignment - Re-auction of disputed lands conducted, and the highest bidder, Veerpal Singh, assigned lease for cultivation - No restraint by the Court on re-auctionings - Court not constrained to issue mandamus for a time-bound decision on the statutory appeal - Appeal rendered infructuous. [Para 7-8]

Legal Remedy - Petitioner advised to pursue a lawful challenge to the reallocation of lands to Veerpal Singh, who became the successful bidder after re-auctionings - Release of deposited amounts subject to a proper application and due process. [Para 9-10]

Referred Cases: None.

Representing Advocates:

Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner claims himself to be the successful bidder in auction proceedings, which became conducted in respect of the disputed lands.
2. The genesis of the instant lis becomes carried in Annexure P-8. Annexure P-8 is a communication addressed to the petitioner by the Executive Officer, Panchayat Samiti, Zira, District Ferozepur, wherein, he became intimated that the auction of the disputed lands, as became made in his favour, has been rescinded, as one Raj Singh son of Jarnail Singh has deposited 20% excess share of Rs.15,37,000/- in the Panchayat Samiti, Zira, besides has requested that he is ready to assume the relevant operations on the disputed lands. Moreover, Annexure P-8 also speaks, that the authorities concerned deemed it fit to re-auction the disputed lands, and, that no cultivation be made till the re-auctioning is completed.
3. Annexure P-9 communicates, that though the re-auction proceedings did commence but yet since some persons raised objection for the re-auctioning, as per government instructions, after adding 20% of the earlier auction deposited in the office, thereby the authority concerned proceeded to make

an order for another auction being made of the disputed lands. Therefore, an echoing occurs in Annexure P-9, as addressed to the petitioner, that the re-auctioning of the disputed lands is fixed on 17.07.2023 at 10:00 o'clock in the office of B.D.P.O. Zira. The petitioner was also invited to remain present in the auction proceedings.

4. It appears that the petitioner became aggrieved from the making of the above Annexure(s), and, had challenged the same through his instituting CWP-15144-2023. Through an order made thereons, on 18.07.2023, order whereof becomes extracted hereinafter, the petitioner was permitted to withdraw the petition (supra), but, with liberty to make an appeal against the impugned Annexures, before the competent appellate authority concerned.

"1. Learned counsel for the petitioner seeks, and, is granted permission to withdraw the present petition.

2. Dismissed as withdrawn, but with liberty to forthwith institute an appeal against the impugned Annexure(s) before the Competent Appellate Authority concerned. On such an appeal being filed, the same shall be promptly decided through a lawful speaking decision being made thereon. It is also open to the present petitioner to, within the said appeal, file an application for staying the operation of the impugned Annexure(s), and, on such an application being filed, the same shall also be promptly decided through a valid speaking order being made thereon."

5. The petitioner has stated in the writ petition, that he has filed the said statutory appeal, but yet no decision has been made thereon, and as such, a mandamus be made upon the statutory appellate authority concerned to make a prompt decision on the said statutory appeal.
6. However, the above asked for mandamus cannot be granted to the present petitioner. The reason becomes embedded in the factum, that an intimation is made today before this Court, by the learned State counsel, that after the makings of the said Annexures, re-auction of the disputed lands became conducted, and, to the highest successful bidder one Veerpal Singh, the disputed lands became assigned on lease, thus for his making cultivations thereons.

7. The learned counsel for the petitioner argues, that yet he is entitled to maintain the instant writ petition, and, that yet he is entitled to claim the making of the above mandamus upon the respondent concerned, wherebeforewhom, the statutory appeal (supra) is pending. However, the above made argument is not required to be sustained by this Court, as though this Court, through verdict (supra) made upon the writ petition (supra), had permitted the petitioner to raise a statutory appeal against Annexures P-8 and P-9, but, no direction was made therein by this Court, that till the preferment of the said appeal, the respondent concerned may not draw any further auction proceedings in respect of the petition lands.
8. It appears that in the wake of this Court not restraining the respondent concerned from making re-auctionings of the disputed lands, that Annexure P-9 became issued, and, in consequence thereof, the aforesaid one Veerpal Singh, who was the highest successful bidder, became assigned on lease, the disputed lands. Therefore, the makings of Annexure P-9 and its resulting in the said Veerpal Singh becoming declared the highest successful bidder, and thereafter, his being assigned the disputed lands on lease, for making cultivations thereons, does not infract the mandate made by this Court, nor thereby this Court is constrained to make any mandamus upon the statutory appellate authority concerned, to decide the statutory appeal (supra), in a time bound manner, as the said statutory appeal becomes rendered infructuous but for the above stated reasons.
9. Nonetheless, the remedy, if any, which is now available to be canvassed by the petitioner is on his making a lawful challenge to the reallocations of lands to one Veerpal Singh, after his becoming declared the successful bidder in pursuance to re-auctionings thereof being made, in terms of Annexure P-9.
10. The amounts deposited by the petitioner be released, in accordance with law, but only through an application in the said regard being moved before the competent authority concerned. On such an application being moved before the authority concerned, the latter shall, in accordance with law, make a lawful decision thereon, but after hearing all affected persons concerned.

*Disclaimer: Always compare with the original copy of judgment
from the official website.