

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2958 OF 2010  
[Arising out of SLP (C) No.14369 of 2009]

MUKHTIAR SINGH & ORS. ... APPELLANTS

Vs.

GRAM PANCHAYAT ATTAYAL & ORS. ... RESPONDENTS

WITH

CIVIL APPEAL NO. 2980 OF 2010  
[Arising out of SLP (C) No.14371 of 2009]

JAIPAL & ORS. ... APPELLANTS

Vs.

GRAM PANCHAYAT ATTAYAL & ORS. ... RESPONDENTS

O R D E R

Leave granted.

2. The appellants herein, claiming that they are in possession of certain lands, filed petitions before the Collector for adjudication of title under Section 13A of Punjab Village Common Land Act, 1961. The petitions were dismissed by the Collector on 15.2.2007. The appeals filed by the appellants were allowed by the Commissioner on 15.5.2008. The first respondent Panchayat filed writ petitions challenging the orders dated 15.5.2008. In the

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said writ proceedings, the High Court stayed the appellate orders dated 15.5.2008. In view of the interim stay, the Block Development & Panchayat Officer, Ganaur proposed to auction the leasehold rights in regard to the lands in dispute. The appellants filed applications before the High Court and sought stay of the auction of the leasehold rights. The said applications were dismissed by the High

Court by the impugned orders dated 8.5.2009, on the ground that the Shamlat lands were under common use of the villagers.

3. On 15.6.2009 while directing notice on the Special Leave Petitions filed by the appellants, this court issued an interim order directing that the proposed auction may go on as scheduled but the same shall not be confirmed until further orders.

4. As the appellants had succeeded before the Appellate Authority, we are of the view that interests of justice would be served if these appeals are disposed of by continuing the said interim direction till disposal of the writ petitions pending before the High Court. If such interim order is not made, it would amount to allowing the writ petitions without hearing.

5. We accordingly, allow these appeals with a direction that the interim order dated 15.6.2009 that the proposed  
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auction may go on as scheduled, but the same shall not be confirmed, be continued till the disposal of the writ petitions by the High Court. Therefore the confirmation of the auction results will depend upon the final decision in the writ petitions. We request the High Court to dispose of the pending writ petitions expeditiously.

.....J.  
( R.V. RAVEENDRAN )

.....J.  
( R.M. LODHA )

New Delhi;  
April 1, 2010.

ITEM NO.48

COURT NO.4

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14369/2009

(From the judgement and order dated 08/05/2009 in CWP No. 1825/  
2009 & CM No. 8375/2009 of The HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH)

MUKHTIAR SINGH & ORS

Petitioner(s)

VERSUS

GRAM PANCHAYAT ATTAYAL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 14371 of 2009

(With prayer for interim relief and office report)

Date: 01/04/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Devashish Bharuka,Adv.

For Respondent(s) Dr. Ramesh K. Haritosh,Adv.  
Mr. Sanjay K. Hadala,Adv.  
Dr. Kailash Chand,Adv.

Mr. Manjit singh, Addl.A.G.  
Mr. Kamal Mohan Gupta ,Adv.  
Mr. Nasir Ahmed,Adv.s

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.

The appeals are allowed in terms of the signed order with a direction that the interim order dated 15.6.2009 that the proposed auction may go on as scheduled, but the same shall not be confirmed, be continued till the disposal of the writ petitions by the High Court. Therefore the confirmation of the auction results will depend upon the final decision in the writ petitions. We request the High Court to dispose of the pending writ petitions expeditiously.

(O.P. Sharma)  
Court Master

(Sneh Bala Mehra)  
Court Master

(Signed order is placed on the file)