

CR-3722-2015 (O&M)

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

CR-3722-2015 (O&M).

Decided on: May 28, 2015.

Niadar Singh

..... Petitioner(s)

Versus

Gram Panchayat Village Gurawar and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Manjeet Singh Dhillon, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Counsel for the petitioner submits that suit under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, (as applicable to the State of Haryana) (for short 'the Act'), is at initial stage.

Vide impugned order dated 25.11.2014, the Collector, Jhajjar, has dismissed the application for amendment of the suit. A perusal of the non-speaking order dated 25.11.2014 indicates that application for amendment of the suit has been dismissed without even touching the contents of the pleadings or the amendment which was sought for. The order on the face of it, is a glaring illegality and an example of judicial impropriety. Every judicial or quasi judicial order is required to be a speaking order and it should indicate the judicious application of mind. On account of patent

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illegality in the impugned order, the petition is allowed in limine.

Impugned order dated 25.11.2014 is set aside.

In order to save unnecessary expenditure which would be a burden on public exchequer, this Court has opted not to issue notice to the contesting respondent-Gram Panchayat. It is ordered that the Collector, Jhajjar, adjudicating the suit under Section 13-A of the Act, would reconsider the application for amendment and pass a fresh order after giving a fair opportunity to both the parties in accordance with law.

Since this revision petition has been disposed of in limine, it is ordered that in case the order is not acceptable to contesting respondent No.1-Gram Panchayat, it will be open to respondent No.1 to approach this Court for review of the order.

May 28, 2015.
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(M.M.S. BEDI)
JUDGE