

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

CWP-14525-1991
Decided on:23.02.2015

Bachan SinghPetitioner(s)

vs.

Addl. Director Panchayats,
Punjab and othersRespondent(s)**CORAM HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**Present Mr.J.R.Mittal, Sr. Advocate
with Mr. Kashmir Singh, Advocate for the petitioner.
Mr. Aman Bahri, Addl. AG, Punjab.
Mr. J.S.Bhandohal, Advocate for respondent no.2

SURYA KANT, J (ORAL)

The petitioner impugns the orders dated 20.02.1985 and 07.06.1991 (Annexures P9 and P10), whereby his declaratory petition under Section 11 of the Punjab Village Common Land (Regulation Act), 1961 (hereinafter 'the Act') seeking ownership rights in respect of land measuring 21 kanals 0 marla was dismissed by the Collector and that order has been upheld by the Appellate authority under the Act.

One of the grievance of the petitioner in the instant writ petition is that while deciding his appeal, the Addl. Director Panchayat, exercising the powers of Appellate Authority has referred to the facts of some other case which are totally different and distinguishable.

There is a merit in the contention as most of the facts referred to pertains to the case of one Basta Singh and the revenue record of the land claimed to be owned by Basta Singh etc. has been relied upon.

For the reasons afore-stated, we are satisfy that the

petitioners appeal requires re-consideration by the Appellate Authority.

Consequently and without interfering with the eviction order at this stage and also without expressing any opinion on merits, we allow this writ petition in part; set aside the order dated 07.06.1991 (Annexure P10) of the Appellate Authority and remit this case to the Joint Development Commissioner, Punjab at Mohali, namely, the Appellate Authority to decide the petitioner's appeal afresh by passing a speaking order and after hearing both the parties. The appropriate steps shall be taken within a period of three months from the first date of appearance. Till then parties are directed to maintain status quo regarding possession. Parties are directed to appear before the Joint Development Commissioner, Punjab at Mohali on 27.04.2015.

(SURYA KANT)
JUDGE

23.02.2015
mamta

(RAJ MOHAN SINGH)
JUDGE