

CR-5977-2015

1

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

CR-5977-2015

Date of decision: 14.9.2015

Baldev Singh

...Petitioner

Versus

Gram Panchayat of village Maheru, Tehsil Nakodar, District
Jalandhar through its Sarpanch

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SP Soi, Advocate for the petitioner

SNEH PRASHAR, J.

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 4.8.2015 passed by learned Collector-Cum-District Development and Panchayat Officer, Jalandhar, vide which the application for leading evidence filed by the petitioner was dismissed.

The respondent- Gram Panchayat filed a petition under Section 7 of the Punjab Village Common Lands Act for ejectment of the petitioner from the Shamlat Deh property, on which he was alleged to be in illegal possession. The petitioner filed a written statement to the petition stating that the Gram Panchayat-respondent had been wrongly named in the column of ownership as the property could not have vested in Gram Panchayat because it was not Shamlat Deh.

The submissions made by learned counsel for the petitioner have been heard.

Perusal of the zimni orders reproduced in the petition shows that the case was adjourned time and again for arguments and not once for evidence of the parties. Learned DDPO- cum- Collector dismissed the application of the petitioner for producing the evidence only on the ground that the case was to be decided by summary trial.

Considering the peculiar facts and circumstances of the case and without going into the merits of the case, I feel it shall be expedient and in the interest of justice that one effective opportunity each to both the parties is given for leading their respective evidence. Accordingly, the present revision petition is allowed and the order dated 4.8.2015 is set aside. Learned DDPO-cum- Collector is directed to grant one effective opportunity each to both the parties to produce their respective evidence at their own risk and responsibility.

However, it is made clear that if either of the parties fails to produce his entire evidence on the date so fixed, no further opportunity shall be granted to him.

14.9.2015
gsv

(SNEH PRASHAR)
JUDGE