

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

CWP No.12355 of 2015

Date of decision: 04.08.2015

Ashok Kumar

....Petitioner

Vs.

Joint Development Commissioner and anr

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. G.S. Virk, Advocate for respondent No.2 (Gram
Panchayat)

Rajive Bhalla, J (Oral)

Prayer in this petition is to set aside order dated
29.04.2015(Annexure P-10), whereby a delay of 16 years in filing
the appeal by the Gram Panchayat has been condoned.

Counsel for the petitioner submits that apart from the
merits of the sufficient cause pleaded in the application for
condonation of delay, a perusal of the impugned order reveals that no
reasons have been assigned while condoning the delay of 16 years.

Counsel for the Gram Panchayat submits that as the
petitioner was himself the Sarpanch he did not file an appeal on
behalf of the Gram Panchayat and concealed the order passed by the
Collector, thereby leading to a delay of 16 years in filing the appeal.

We have heard counsel for the parties. Whether the delay

was at the behest of the present petitioner or otherwise, the Joint Development Commissioner (IRD), Punjab, was required to record a finding whether the applicant had been able to show sufficient cause and record reasons before allowing the application for condonation of delay. The impugned order, which is devoid of any reason, much less any process of reasoning reads as follows: -

“Arguments on delay issue have been heard from the counsels of both the parties. There is weightage in the pleadings raised by the counsel for the appellant Gram Panchayat during arguments. Therefore, the application for condonation of delay is allowed. The case is fixed for 03.06.2015 for arguments”.

Consequently, the writ petition is allowed, order dated 29.04.2015, passed by Joint Development Commissioner (I.R.D), Punjab, set aside and the matter is remitted with a direction to decide the application for condonation of delay afresh and also the appeal within three months of the next date of hearing.

(Rajive Bhalla)
Judge

August 04, 2015
sanjiv

(Amol Rattan Singh)
Judge