

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.18140 of 2015
Date of Decision: September 09, 2015

Hari KishanPetitioner
versus
State of Punjab and othersRespondents

[2] Civil Writ Petition No.18142 of 2015

Sudarshan SinghPetitioner
versus
State of Punjab and othersRespondents

[3] Civil Writ Petition No.18150 of 2015

Tarsem RajPetitioner
versus
State of Punjab and othersRespondents

[4] Civil Writ Petition No.18151 of 2015

Daulat RamPetitioner
versus
State of Punjab and othersRespondents

[5] Civil Writ Petition No.18157 of 2015

Shiv DeviPetitioner
versus
State of Punjab and othersRespondents

[6] Civil Writ Petition No.18165 of 2015

Prabhu DayalPetitioner
versus
State of Punjab and othersRespondents

[7] Civil Writ Petition No.18167 of 2015

Sher SinghPetitioner
versus
State of Punjab and othersRespondents

[8] Civil Writ Petition No.18180 of 2015

Ajmer SinghPetitioner
versus
State of Punjab and othersRespondents

[9] Civil Writ Petition No.18186 of 2015

Narinder SinghPetitioner
versus
State of Punjab and othersRespondents

[10] Civil Writ Petition No.18200 of 2015

Santokh SinghPetitioner
versus
State of Punjab and othersRespondents

[11] Civil Writ Petition No.18201 of 2015

Gulzar SinghPetitioner
versus
State of Punjab and othersRespondents

[12] Civil Writ Petition No.18204 of 2015

Tarlochan SinghPetitioner
versus
State of Punjab and othersRespondents

[13] Civil Writ Petition No.18249 of 2015

Pushpa DeviPetitioner
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Anuj Thakur, Advocate, for the petitioner(s)
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Sunil Agnihotri, Advocate, for respondent No(s).3.

-.-

1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.18140, 18142, 18150, 18151, 18157, 18165, 18167, 18180, 18186, 18200, 18201, 18204 and 18249 of 2015 as common questions of law and facts are involved in these cases.

For brevity, the facts are being extracted from CWP No.18140 of 2015.

[2] The challenge herein is to the order dated 26.09.2014 of the Director, Rural Development and Panchayat, Punjab, passed in exercise of powers of the Commissioner-cum-Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961. Vide the aforesaid order, the Appellate Authority has condoned the delay of 1 year, 5 months and 23 days in the appeal filed by the Gram Panchayat of village Koi, Tehsil Dasuya, District Hoshiarpur against the petitioner(s). The impugned order reads as follows:-

“... Argument of appellant counsel is heard. Delay is condoned. Separate written order will be passed. Case is fixed for 17.10.2014 for final arguments....”

[3] It may be mentioned at this stage that since the delay was condoned in a bunch of appeals, the Appellate Authority decided to pass one common reasoned order. It is for this reason that the impugned order recites that “separate order will be passed”.

[4] Learned counsel for the petitioner(s) states that on inspection of the record, no separate written order has been

found. On their oral prayer, the new incumbent who is working as the Appellate Authority is stated to have informed that the previous officer who remained posted as Director, Rural Development and Panchayat, did not pass any written order. The fact that no separate speaking order was passed, is not disputed by learned counsel for the Gram Panchayat also.

[5] Since the then Appellate Authority did not pass any reasoned order justifying the condonation of delay of more than one year and 5 months, we are satisfied that the application(s) for condonation of delay moved by the Gram Panchayat, need to be decided afresh and after hearing the parties. Needless to say that the Appellate Authority has got ample powers to condone the delay in the interest of justice, but the reasons prompting the condonation of delay are expected to be assigned as those reasons alone would help a Superior Forum to appreciate the decision making process.

[6] Resultantly, the writ petitions are allowed; the order dated 26.09.2014 is set-aside and the Director, Rural Development and Panchayat, Punjab, exercising the powers of Commissioner under the Punjab Village Common Lands (Regulation) Act, 1961, is directed to decide the application(s) moved by the Gram Panchayat for condonation of delay in this case as well as in the connected cases, afresh in the light of the observations made herein-above.

[7] We are informed that the cases are now listed for hearing on 16.10.2015. We thus impress upon the Appellate Authority to make an endeavour to decide the application(s) for condonation of delay on the date fixed and/or at the earliest. It is clarified that we have not expressed any opinion on the merits of the main case(s) or the application(s) seeking

CWP No.18140 of 2015 & connected cases

[5]

condonation of delay.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 09, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE