

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27364 of 2015
Date of Decision:-24.12.2015.

Shanti Sarup

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

- 1.) Notice of motion to respondent Nos.1 and 2 only at this stage.
- 2.) Mr. K.K. Gupta, learned Additional Advocate General, Punjab accepts notice on their behalf. Let four copies of the writ petition be supplied to the State counsel during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.
- 3.) In view of the fact that the proposed order, as such, does not affect the rights of respondent No.3, we do not find it necessary to issue notice to the said respondent at this stage. Though it is open for the Gram Panchayat to seek modification/recall of this order, if so advised.

4.) The grievance of the petitioner is against denial of opportunity to lead additional evidence in the proceedings pending before the Additional Deputy Commissioner-cum-Collector, Hoshiarpur.

5.) The additional evidence was sought to be produced in the proceedings pending under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, namely, a title dispute between the petitioners and the Gram Panchayat.

6.) The only additional evidence which the petitioner wanted to produce comprised jamabandi for the year 1942-43 and *Wazib-ul-Arz* of the village. Both the documents are *per se* admissible and carry presumption of truth though rebuttable. We see no reason for the Collector to deny the said prayer as the documents are merely to be tendered in evidence and no witness is required to be summoned to produce the same. For the reasons aforestated, the writ petition is allowed; order dated 30.4.2015 is set aside and the petitioner is permitted to produce the two certified copies of the above mentioned documents in additional evidence subject to payment of cost of Rs.2,000/- to the Gram Panchayat.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 24, 2015.

sandeep sethi