

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2259 of 2016.

Date of Decision:-7.4.2016.

Tarsem Kaur and another

.....Petitioners

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. Balbir Singh, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. V.K. Sandhir, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) The petitioners are aggrieved by the orders dated 28.10.2014 and 3.12.2015 passed by the Collector and the Commissioner-cum-Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act') whereby they were ordered to be evicted in a petition filed under Section 4 and 5 of the Punjab Public Premises and Land (Eviction & Rent) Act, 1973 and their appeal against the eviction order has been dismissed.

2.) It is not in dispute that earlier the petitioners had filed a declaratory petition under Section 11 of the 1961 Act claiming

themselves to be owners in possession of the suit land. That petition was dismissed and the orders were upheld by this Court vide order dated 5.10.2014. The SLP filed by the petitioners has also been dismissed by the Hon'ble Supreme Court.

3.) The Gram Panchayat filed summary eviction proceedings in which the impugned orders have been passed.

4.) Unfortunately, the Appellate Authority has not dealt with the contentions raised before it except noticing the dismissal of the writ petition. It also appears that the petitioners did not get adequate opportunity to argue their case before the Appellate Authority. In these circumstances, we set aside the order dated 3.12.2015 and remit the case to the Appellate Authority for a fresh decision subject to the condition that the petitioners shall furnish adequate security for the crop year 2015-16 and 2016-17 to the satisfaction of the Appellate Authority on the date of appearance before the Appellate Authority. The appeal shall be decided within one month of deposit of the security amount. However, in case, the petitioners fail to deposit the security amount in that event, the appeal shall be taken to have been dismissed.

Parties are directed to appear before the Appellate Authority on 26.4.2016.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

April 7, 2016.

sandeep sethi