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

CWP No.2305 of 2016

Date of decision: April 11, 2016

Gurudwara Parbhandhak Committee

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. S.L. Chander Shekhar, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG Punjab.

Mr. Umesh Kumar, Advocate
for respondent No.4.

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)

The instant writ petition has been filed by the Parbandhak Committee of Gurudwara in Village Saidpur Patti, Tehsil Patti, District Tarn Taran, laying challenge to the orders dated 05.10.2015 and 08.01.2016 passed by the Director, Rural Development and Panchayat Department-cum-Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961. Vide the first order, the appeal preferred by the petitioner-Managing Committee against the order of eviction passed against it at the

instance of Gram Panchayat of the village, was dismissed *ex parte* and vide the second order, the application moved by the petitioner to recall the order dated 05.10.2015 has also been turned down.

It may be mentioned here that the order dated 05.10.2015 of the Appellate Authority was assailed by the petitioner before this Court in CWP No.25300 of 2015, which was disposed of on 04.12.2015, with a direction to the Appellate Authority, in the interest of justice, to decide the petitioner's application sympathetically so that appeal could be re-heard and decided on merits.

Regardless of those observations, the Appellate Authority has dismissed the application observing that it was not moved on time and that the petitioner was at fault for not appearing before the Appellate Authority on time.

We have heard learned counsel for the parties and gone through the record.

It may be true to some extent that the petitioner-Managing Committee has not been vigilant in pursuing its appeal. Nevertheless, one opportunity deserves to be granted to the petitioner to argue its appeal on merits. We have consciously not made any observation on the claim or counter-claims lest it causes any prejudice to them before the Appellate Authority.

For the reasons afore-stated, we allow this

petition in part and set aside the orders dated 05.10.2015 and 08.01.2016 passed by the Appellate Authority and restore the petitioner's appeal for its afresh adjudication on merits.

The Appellate authority is directed to take up the appeal filed by the petitioner-Managing Committee on 09.05.2016, i.e. Monday at 3:00 PM. It is undertaken that the petitioner shall be represented by its counsel Sh. S.L. Chander Shekhar. In case, the arguments are not concluded on 09.05.2016, we direct the Appellate Authority to take up the appeal again on 13.05.2016, i.e. Friday and conclude the same on that day. The petitioner is directed to ensure the presence of its counsel on both the dates and assistance to the Appellate Authority. Till the appeal is decided, status quo re: possession, alienation and creation of third party rights be maintained.

**[SURYA KANT]
JUDGE**

**[A.B. CHAUDHARI]
JUDGE**

April 11, 2016

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