

CWP-25012-2014

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

CWP-25012-2014

Date of Decision: 14.03.2016

Gram Panchayat Village Jolla Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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. Vikas Mehsempuri, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Mr. Bhupinder Banga, Advocate,
for respondent No.5.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the impugned order dated 15.10.2014 (Annexure P-5) passed by respondent No.2 whereby delay of 217 days in filing the appeal (Annexure P-4) by respondent Nos.4 and 5 has been condoned without granting an opportunity to the petitioner for filing reply to the application.

I have heard learned counsel for the parties and perused the

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record.

Vide order dated 03.09.2014, CWP No.3025-2014 filed by respondent Nos.4 and 5 was dismissed as withdrawn with liberty to respondent Nos.4 and 5 herein to file appeal as well as application for condonation of delay, if any, which was to be decided in accordance with law. However, there was no direction that delay be condoned. It is quite limpid that the Joint Development Commissioner, Punjab, exercising the powers of Commissioner has wrongly condoned the delay on the basis of order dated 03.09.2014 passed by this Court in CWP-3025-2014. Otherwise also, without notice and affording opportunity of hearing to the opposite party, delay in filing the appeal cannot be condoned.

In view of above discussion, the impugned order dated 15.10.2014 (Annexure P-5) is set aside. Parties through their counsel are directed to appear before respondent No.2 on the date fixed, who shall proceed with the matter after giving opportunity of hearing to the petitioner in accordance with law. The petitioner will be at liberty to file reply to the application for condonation of delay filed along with the appeal.

Disposed of in the aforementioned terms.

14.03.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge