

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4994 of 2016

Date of decision: April 22, 2016.

Ashok Kumar

... **Petitioner**

v.

Joint Development Commissioner (IRD) Punjab and another

... **Respondents**

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

Present: Shri Munish Gupta, Advocate, for the petitioner.

Shri K.K. Gupta, Additional Advocate General, Punjab.

Shri G.S. Nagra, Advocate for respondent No.2.

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

Surya Kant, J. (Oral):

The petitioner filed the petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 which was accepted and he was declared owner in possession of the suit property vide order dated 23.1.1998. The Gram Panchayat appealed against the said order in February, 2014. The Appellate Authority condoned the delay of about 16 years with one stroke of pen without assigning any reason. The order dated 29.4.2015, condoning the delay, was set aside by this Court at the instance of the petitioner in CWP No.12355 of 2015, allowed on 4.8.2015. The Appellate Authority was directed to decide the application for condonation of delay afresh.

The Appellate Authority has again, vide the impugned order

dated 4.2.2016, allowed the application for condonation of delay and this order reads as follows:-

“Arguments of the counsels for both the parties heard on the issue of condonation. Delay is condoned. Case be put up on 17.03.2016 for arguments.”

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

As may be seen, no reason, whatsoever, has been assigned and the Appellate Authority has again acted in a cryptic and whimsical manner.

In a case where there is an inordinate delay of 16 years, it is imperative upon the Appellate Authority to assign strong and valid reasons to enable the next higher forum to find out as to what prompted the Appellate Authority to condone the delay? Unfortunately, such reasons are conspicuously missing in the case in hand

For the reasons afore-stated, the writ petition is allowed; the order dated 4.2.2016 is set aside and the matter is again remitted to the Appellate Authority to decide the application for condonation of delay, in accordance with law, and by passing a brief but reasoned order. The Appellate Authority is further directed to decide the application for condonation of delay within one month and, if need be, to decide the appeal on merits within three months thereafter.

[Surya Kant]
Judge

[A.B. Chaudhari]
Judge

April 22, 2016.