

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 9226 of 2016

Date of Decision: 23.09.2016

Mohinder Singh and Others

... Petitioner(s)

Versus

Commissioner (JDC) Rural Development and Panchayats, Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG Punjab
for respondents No.1 & 2.

Mr. Umesh Kumar Kanwar, Advocate
for respondent No.3.

Mahesh Grover, J.

The solitary grievance of the petitioners is that an order in their favour, passed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 was subjected to appeal, filed by the Gram Panchayat which also filed an incomplete application under Section 5 of the Limitation Act, which was condoned without issuing notice to the petitioners. Annexure P5 is the copy of the impugned order.

Learned counsel for the petitioners contends that now the matter is fixed for 6.10.2016 for final disposal and gross prejudice has been caused by condoning the delay which does not give the correct particulars as the number of days also has not been mentioned. This means that the application

has been accompanied by an inappropriate affidavit not sworn in accordance with law.

After hearing learned counsel for the parties, we are of the opinion that certainly a gross irregularity has been committed by the Commissioner in condoning the delay and accepting the application which was incomplete in particulars and that too without notice, we, therefore, denounce such practice and warn the authority to be careful in future but noticing the fact that delay is not so inordinate so as to really warrant a serious concern and also noticing the fact that the main issue should not be held hostage to technicalities, and warrant a defeat of substantial issues which involves the land of Gram Panchayat, we deem it appropriate to dispose of the instant petition with the aforesaid warning and a direction to the authority that the matter be now heard on merits and a speaking order be passed after hearing the parties.

Writ petition stands disposed of.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

September 23, 2016

“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No