

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

**CR No.1429 of 2013 (O&M)
Date of decision: 30.08.2017**

Gurmeet Singh and others

... Petitioners

Vs.

**Land Acquisition Collector-cum-Sub Divisional Officer (Civil), Malout,
District Sri Muktsar Sahib and another**

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Peeush Gagneja, Advocate
for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 04.06.2012 (Annexure P-5) passed by the learned executing Court, petitioners have approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of the jamabandi for the year 2007-08 (Annexure P-4), at page 19 of the paper book, will make it crystal clear that all the three

petitioners are recorded as co-sharers, thus, owners in possession. However, a bare perusal of the impugned order, which is totally non-speaking and cryptic one, would show that the learned executing Court has passed this order only because of alleged non-availability of the jamabandi (Annexure P-4). In fact, before passing this hasty and non-speaking order, the learned executing Court ought to have directed the respondents to come with the relevant revenue record, which would be in their possession or another opportunity could have been granted to the petitioners. Since the learned Additional District Judge failed to appreciate abovesaid factual as well as legal aspect of the matter, before passing the impugned order, a serious prejudice has been caused to the petitioners, because of which the impugned order cannot be sustained.

When confronted with the abovesaid factual as well as legal aspect of the matter, learned counsel for the State, on instructions from Sh. Manohar Lal, Junior Engineer, Canal Lining Division, Tehsil Abohar, District Fazilka, had no answer and rightly so, it being a matter of record.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found suffering from patent illegality and perversity, it cannot be sustained. Accordingly, the impugned order dated 04.06.2012 (Annexure P-5) passed by the learned Court below is hereby set aside. The learned executing Court is directed to reconsider the matter and decide the execution application of the petitioners afresh, by passing an appropriate order, strictly in accordance with law.

Since the matter is pending for quite some time, learned Court below is directed to pass an appropriate order at an early date.

Resultantly, with the abovesaid observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

30.08.2017
vishnu

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