

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

CWP No. 13046 of 2015 (O&M)

Date of decision: 27.4.2017

|                                   |    |                |
|-----------------------------------|----|----------------|
| Amar Singh (deceased) through LRs | vs | .. Petitioner  |
| Collector and others              |    | .. Respondents |

**Coram:**     **Hon'ble Mr. Justice Rajesh Bindal**  
                 **Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present:**     Mr. Pirthi Singh Chauhan, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Mr. Santosh Sharma, Advocate, for respondents No.3 to 6.

**Rajesh Bindal, J.**

The petitioner has challenged the order dated 9.2.2015 passed by the Assistant Collector Ist Grade, Barwala whereby the application filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'), was dismissed.

We do not deem it appropriate to mention the previous history of the case in much details. In second round of litigation it had come before this Court. Even at that stage also, the order passed by the Assistant Collector Ist Grade was set aside by the Collector. The matter was remitted back. The impugned order has been passed by the Assistant Collector Ist Grade, after it was remitted back by the Collector. The impugned order is appealable under Section 13B of the Act. Considering the aforesaid fact, as there was some factual issues to be raised and considered, we find it appropriate to relegate the petitioner to avail of remedy before the Collector. As the petition remained pending in this Court, if appeal is

filed by the petitioner on or before 29.5.2017, the same shall be considered by the Collector on merits and shall not be dismissed only on the ground of delay.

The petition stands disposed of.

(Rajesh Bindal)  
Judge

(Harinder Singh Sidhu)  
Judge

27.4.2017  
sharmila

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