

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13887-2015

Date of Decision: December 06, 2017

Gurmail Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Vikram Singh, Advocate for the petitioners.

Mr.Rajesh Bhardwaj, Addl.AG,Punjab.

Ms.Amanpreet Kaur, Advocate for respondent No.4.

Mr.Nakul Sharma, Advocate for respondent Nos.5 to 11.

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SURYA KANT, J.

The grievance of the petitioners in the instant writ petition is against the order dated 14.03.2015 passed by the then Joint Development Commissioner (IRD) exercising the power of Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961 (for brevity,'the 1961 Act'). The order has, in fact, been passed by the purported Lok Adalat presided over by the above-stated Appellate Authority. It is based upon the consent given by the parties in respect of a piece of land which the petitioners claimed to have vested in Gram Panchayat whereas the private respondents claim that it is under their ownership. Such controversy already

stands decided in a petition under Section 11 of the 1961 Act way back in

the year 2008. Since the impugned order does not deal with the merits of the controversy and is apparently a consent order, it appears to us that the Appellate Authority ought to have decided the appeal on merits.

[2] Consequently, without going into the merits of the case, the impugned order dated 14.03.2015 is set aside and the matter is remitted to the Joint Development Commissioner (IRD)-cum-Appellate Authority to decide the appeal afresh by way of a reasoned order. While deciding the appeal, the order earlier passed under Section 11 of the 1961 Act will be kept in view.

[3] The parties are directed to appear before the Appellate Authority on 20.12.2017.

[4] Till the appeal is decided, the parties shall maintain status quo re: ownership rights and possession.

**(SURYA KANT)
JUDGE**

December 06, 2017
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**(SUDHIR MITTAL)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No