

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17662-2017

Date of Decision: November 27, 2017

Harjinder Pal

.....Petitioner

Versus

Director, Rural Development and Panchayats, 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.H.S.Dhillon, Advocate for
Mr.,Vikram Singh, Advocate for the petitioner.

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

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SURYA KANT, J.

The petitioner seeks quashing of the order dated 05.05.2017 (P6) passed by the Director, Rural Development and Panchayat Department, Punjab, whereby his appeal against the eviction order dated 28.07.2016 has been dismissed on the ground of delay. The record reveals that though the petitioner was required to file an appeal within 60 days from the date of eviction order dated 28.07.2016, he filed the same after the delay of 145 days. He applied for condonation of delay, but the Appellate Authority vide the impugned order has dismissed his application and consequently his appeal has also been dismissed.

[2] We have heard learned counsel for the parties.

[3] In our considered view, it was not a case where the delay was fatal in nature, more so, when the Gram Panchayat could be adequately compensated with costs. It would have been appropriate for the Appellate Authority to make an endeavour to decide the appeal on merits. The explanation furnished by the petitioner as to how the delay has occurred otherwise, merits acceptance.

[4] For the reasons aforesaid, the writ petition is allowed in part; the impugned order dated 05.05.2017/16.06.2017(P6) is set aside and while accepting the prayer of the petitioner for condonation of delay, the matter is remitted to the Appellate Authority to decide the petitioner's appeal on merits by way of a reasoned order. The petitioner, however, is burdened with costs of Rs.5,000/-, which shall be paid to the Gram Panchayat on the very first day of appearance before the Appellate Authority.

[5] Parties are directed to appear before the Appellate Authority on 11.12.2017.

(SURYA KANT)
JUDGE

November 27, 2017
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(SUDHIR MITTAL)
JUDGE

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