

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4740-2016

Date of Decision: November 15, 2017

Gram Panchayat Gajpur

.....Petitioner

Versus

Joint Development Commissioner, Punjab (IRD) 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.V.K.Sandhir, Advocate for the petitioner.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.

Mr.Vikas Meshempuri, Advocate for the private respondents.

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SURYA KANT, J.

Learned counsel for the parties are *ad idem* that the order passed by the Joint Development Commissioner (IRD)-cum-Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961, dated 18.02.2015 (Annexure P-3) be set aside and the Appellate Authority be directed to decide the appeal afresh, for the reason that not only the petitioner-Gram Panchayat is aggrieved by that order, the contesting respondents are also dis-satisfied with the same for the reason that various documents comprising revenue record relied upon by them have not been considered or referred to by the Appellate Authority.

[2] In this view of the matter, the writ petition is allowed in part;
the impugned order dated 18.02.2015 (Annexure P-3) is set aside without

expressing any views on merits and the Appellate Authority is directed to decide the appeal afresh in accordance with law and after hearing the parties, preferably within a period of four months from the date of receipt of a certified copy of this order. Both the parties shall be at liberty to produce supplementary evidence comprising official documents only, if so required by the Appellate Authority, for a fair and just decision of the appeal(s).

[3] Parties are directed to appear before the Appellate Authority on 04.12.2017.

(SURYA KANT)
JUDGE

November 15, 2017
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(SUDHIR MITTAL)
JUDGE

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