

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-6043-2016

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

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 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  
Mr.Sukhjinder Singh, 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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|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |