

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27624 of 2017 (O&M)

Date of Decision: 13.12.2017

Lachman Singh @ Barsan Singh @ Balsawan Singh ... Petitioner

VS.

Joint Development Commissioner,
Rural Development and Panchayat Punjab & Ors. ... Respondents

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

Present: Mr. HNS Gill, Advocate for the petitioner

Mr. Atul Nanda, Advocate General Punjab with
Ms. Anu Pal, AAG Punjab

Mr. Dharendra Chopra, Advocate and
Mr. Salender Kumar Saini, Advocate for respondent No.3

Mr. Manoj Pudir, Advocate for
Mr. HK Brinda, Advocate for respondent No.5

SURYA KANT, J. (Oral)

- (1) Heard learned counsel for the parties.
- (2) A petition under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 was filed against the petitioner at the instance of Bahadur Singh and Raghbir Singh both residents village Amlala, Block Dera Bassi, District SAS Nagar. The District Development & Panchayat Officer-cum-Collector, SAS Nagar vide order dated 04.08.2017 allowed that petition and cancelled the lease of land of Gram Panchayat which the petitioner had taken in a public auction. The aggrieved petitioner filed a statutory appeal before the Joint Development Commissioner (IRD) who granted him *ad interim* stay. Unfortunately, an application for vacation of the stay was moved, however, instead of giving notice or hearing the petitioner on that application, the Appellate Authority preponed the date of hearing; took up the appeal and

without hearing or giving notice to the petitioner, dismissed the petitioner's appeal vide order dated 01.11.2017.

(3) As the facts would speak for themselves, the order is totally violative of principles of natural justice and fair play and well established norms to be followed by a quasi-judicial authority. We would say nothing more at this stage.

(4) The writ petition is thus allowed; the impugned order dated 01.11.2017 is set aside and the Appellate Authority is directed to decide the appeal afresh after hearing all the parties concerned and by way of a reasoned order.

(5) Parties are directed to appear before the Appellate Authority on 09.01.2018.

(6) Till the appeal is decided, *status quo re*: possession shall be maintained.

(Surya Kant)
Judge

13.12.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No