

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3339 of 2017 (O&M)
Date of decision: 31.5.2017

Gram Panchayat

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioner.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Assistant Advocate General,
Punjab.

Rajesh Bindal J.

The petitioner-Gram Panchayat approached this court with a grievance that the appeal filed by respondent No. 4 against the order dated 23.4.2013, passed by the Collector-cum-DDPO, Jalandhar was entertained by the Director, Rural Development and Panchayat Department, Punjab (for short, 'the Director') and even interim stay was also granted on 28.10.2016 without condoning the delay of more than 3-1/2 years in filing the appeal. Under the garb of interim stay, respondent No. 4 had cut and removed all popular trees standing on the land in dispute.

Learned counsel for the State, on instructions from Ishwar Singh, Reader, Director, Panchayats, Punjab, who has brought the original record and is present in person in court, stated that though application for condonation of delay was filed along with the appeal, however, before issuing notice in the appeal and granting interim stay, the application for

condonation of delay of 3-1/2 years in filing the appeal was not considered.

After hearing learned counsel for the parties and considering the submissions, as noticed above, in our opinion, the matter is required to be dealt with by the Director. Once there was delay of 3-1/2 years in filing the appeal before entertaining the same on merits, the application for condonation of delay was required to be dealt with. Only if justifiable reason for delayed filing of appeal, was found and delay is condoned, then only the appeal could be taken up on merits. The procedure followed in the case in hand is just otherwise. The application for condonation of delay was kept on one side, whereas the appeal was entertained and even interim stay of order dated 23.4.2013 was granted on 28.10.2016. The issue regarding cutting and removal of trees by respondent No. 4 in the garb of interim order dated 28.10.2016 shall also be considered by the Director.

With the aforesaid observation, the present petition is disposed of.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

31.5.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No