

**In the High Court of Punjab and Haryana at Chandigarh**

**CWP No.11358 of 1995**

**Date of decision: August 14, 2018**

**Piara Singh and others**

**..... Petitioners**

**Versus**

**The Gram Panchayat and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER**

**HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. S.D. Sharma, Senior Advocate with  
Mr. Anupam Sharma, Advocate for the petitioners.

Mr. Yashpal Thakur, Advocate for  
Mr. Gurcharan Singh, Advocate for respondent No.1.

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**MAHESH GROVER, J. (ORAL)**

The primary argument raised before us in this writ petition while impugning the orders dated 25.05.1995 and 20.08.1993 is that the procedure prescribed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') has not been followed.

In support of this contention, reliance has been placed upon judgment of this Court, titled as **Joginder Singh and another Vs. Director, Rural Development and Panchayat Department Punjab and others**, 2016(4) PLR 332.

After hearing the argument raised before us, we are of the opinion that the procedure prescribed under Section 11 of the

Act has to be followed by framing issues and permitting the parties to lead evidence and on conclusion of the same, base the decision after appreciating the evidence. Since such procedure has not been followed, we are of the opinion that the impugned orders deserve to be set aside and the matter remitted back to the Collector for a decision afresh by following the proper procedure. Ordered accordingly.

Needless to say that the petitioners shall be at liberty to raise all the pleas before the said authority and produce adequate evidence before it.

**(MAHESH GROVER)**  
**JUDGE**

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**August 14, 2018**

**jt**

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |