

CWP NO.5152-2015(O&M)

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Sr.No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.5152-2015(O&M)

Date of Decision: 26.03.2018

Karan Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present Mr.Vikram Singh, Advocate for the petitioner.
Ms. Kirti Singh, DAG, Haryana.
Mr.Parveen Sharma, Advocate for respondent no.4.

MAHESH GROVER, J(ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the orders dated 26.09.2012 (Annexure P-3), 16.10.2003 (Annexure P-2) and order dated 09.12.2002 (Annexure P-1), passed by respondents no.3, 2 and 1 respectively.

The limited grievance raised by the petitioner is that despite the fact that jamabndis for the year 1950-51 and for the year 1956-57, as also Naksha Haqdarwar (Annexure P-10) and documents prepared during consolidation where on record proving his possession prior to 1950, the Collector Panipat in the impugned order did not consider them while deciding the issue under Section 13-A of the Punjab Village Common Land (Regulations) Act, 1961. The said documents are also on record. The revisional authority also passed a cryptic order while dealing with these

issues.

We have heard the learned counsel for the parties and perused impugned orders as also the record and are of the opinion that though certain documents relevant to the controversy were indeed before the competent authority i.e Collector but the same do not find elaboration in either accepting the same or negating it while deciding the controversy. Likewise order of the competent authority is short of expectations and sans any reasoning.

We would, therefore, accept the petition, set aside the impugned orders and remit the matter back to the Collector for decision afresh. A speaking order would be passed by taking into consideration the relevant material placed on record with this petition by the learned counsel for the petitioner. The exercise be done positively within a period of six months from the date when the parties enter appearance before it.

Parties are directed to appear before the Collector, Panipat on 26.04.2018.

(MAHESH GROVER)
JUDGE

26.03.2018
mamta

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No