

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

- (1)

CR No. 94 of 2019 (O&M)
Date of decision: 20.11.2019
- M/s Metro Valley Business Park Pvt. Ltd.

...Petitioner
- Versus
- Municipal Corporation, Gurugram and others

...Respondents
- (2)

CR No. 137 of 2019 (O&M)
- Ibiza Hotels & Real Estates Developers Private Limited

...Petitioner
- Versus
- State of Haryana and others

...Respondents
- (3)

CR No. 142 of 2019 (O&M)
- Vijender Jain

...Petitioner
- Versus
- State of Haryana and others

...Respondents
- (4)

CR No. 144 of 2019 (O&M)
- Ample Developers Pvt. Ltd.

...Petitioner
- Versus
- State of Haryana and others

...Respondents
- (5)

CR No. 2001 of 2019 (O&M)
- Maxicon Traders Private Limited

...Petitioner
- Versus
- State of Haryana and others

...Respondents
- (6)

CR No. 6442 of 2019 (O&M)
- Rajesh Jain

...Petitioner
- Versus
- The State of Haryana and others

...Respondents

- (7)

CR No. 6443 of 2019 (O&M)

M/s Oscar Biotech Pvt. Ltd.

State of Haryana and others

Versus

...Petitioner

...Respondents
- (8)

RSA No. 1207 of 2019 (O&M)

Sh. Rajesh Jain

State of Haryana and others

Versus

...Appellant

...Respondents
- (9)

RSA No. 1208 of 2019 (O&M)

Municipal Corporation, Gurugram

Umesh Nanda and others

Versus

...Appellant

...Respondents
- (10)

RSA No. 1209 of 2019 (O&M)

Municipal Corporation, Gurugram

Vaishali Goyal and others

Versus

...Appellant

...Respondents
- (11)

RSA No. 1210 of 2019 (O&M)

Municipal Corporation, Gurugram

Shyam Nagpal and others

Versus

...Appellant

...Respondents
- (12)

RSA No. 1236 of 2019 (O&M)

M/s Oscar Biotech Prvt. Ltd.

State of Haryana and others

Versus

...Appellant

...Respondents.

- (13)

RSA No. 1328 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Air Comdr. Maheshwar Dutt and others

...Appellant

...Respondents.
- (14)

RSA No. 1324 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Hema and others

...Appellant

...Respondents
- (15)

RSA No. 1308 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Gulab Bakhru and others

...Appellant

...Respondents
- (16)

RSA No. 1307 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Devender Khanna and others

...Appellant

...Respondents
- (17)

RSA No. 1327 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Durga and others

...Appellant

...Respondents
- (18)

RSA No. 1325 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Devender Khanna and others

...Appellant

...Respondents

- (19)

RSA No. 1310 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Rajsh Jain and others

...Appellant

...Respondents
- (20)

RSA No. 1311 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Rajan Ramanee and others

...Appellant

...Respondents
- (21)

RSA No. 1312 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Nigam Chawla and another

...Appellant

...Respondents
- (22)

RSA No. 1313 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Sadhna Mehra and another

...Appellant

...Respondents
- (23)

RSA No. 1330 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

M/s Multimatrix Reality Pvt. Ltd. and others

...Appellant

...Respondents
- (24)

RSA No. 1329 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Ranbir Singh alias Ranveer Singh Mann and others

...Appellant

...Respondents

(25)	RSA No. 1323 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Rummy Chhabra and others		...Respondents
(26)	RSA No. 1322 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Prateek Ghai and others		...Respondents
(27)	RSA No. 1344 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Nathey and another		...Respondents
(28)	RSA No. 1343 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ballu Ram and another		...Respondents
(29)	RSA No. 1342 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Neelam Khanna and others		...Respondents
(30)	RSA No. 1348 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Fatey Singh and others		...Respondent

- (31)

RSA No. 1347 of 2019 (O&M)

Municipal Corporation, Gurugram

Sh. Shiv Kumar Jatia and others

Versus

...Appellant

...Respondents
- (32)

RSA No. 1346 of 2019 (O&M)

Municipal Corporation, Gurugram

Meera Mohan Kakteekar and others

Versus

...Appellant

...Respondents
- (33)

RSA No. 1345 of 2019 (O&M)

Municipal Corporation, Gurugram

Deepak Kumar and another

Versus

...Appellant

...Respondents
- (34)

RSA No. 1331 of 2019 (O&M)

Municipal Corporation, Gurugram

Prism Electronics and others

Versus

...Appellant

...Respondents
- (35)

RSA No. 1427 of 2019 (O&M)

Municipal Corporation, Gurugram

Shyam Lal and others

Versus

...Appellant

...Respondents
- (36)

RSA No. 1425 of 2019 (O&M)

Municipal Corporation, Gurugram

Somnath and others

Versus

...Appellant

...Respondents

- (37)

RSA No. 1424 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Hargovind Navani and others

...Respondents
- (38)

RSA No. 1423 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Raju and others

...Respondents
- (39)

RSA No. 1422 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Kuldeep Singh and others

...Respondents
- (40)

RSA No. 1138 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Sunil Gupta and another

...Respondents
- (41)

RSA No. 1130 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Shyam Maheshwari and another

...Respondents
- (42)

RSA No. 1145 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

M/s Shreerakshe Consultants & Designers (P) Ltd. and others

...Respondents

- (43)

RSA No. 1144 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

M/s Oscar Biotech Pvt. Ltd. And others

...Appellant

...Respondents
- (44)

RSA No. 1173 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Mithlesh and others

...Appellant

...Respondents
- (45)

RSA No. 1140 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Krishan Lal HUF and others

...Appellant

...Respondents
- (46)

RSA No. 1139 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Smt. Shakuntala Sharma and others

...Appellant

...Respondents
- (47)

RSA No. 1142 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Smt. Jyoti Uplanchwar and others

...Appellant

...Respondents
- (48)

RSA No. 1141 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Sh. Pradeep Malik and others

...Appellant

...Respondents

(49)	RSA No. 1175 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Smt. Meena Rastogi and another		...Respondents
(50)	RSA No. 1174 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Smt. Meena Rastogi and another		...Respondents
(51)	RSA No. 1132 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Sant Ram and another		...Respondents
(52)	RSA No. 1135 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
M/s Maxicon Traders Pvt. Ltd. and others		...Respondents
(53)	RSA No. 1134 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Renu Aggarwal and another		...Respondents
(54)	RSA No. 1176 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Smt. Omita Sharma and others		...Respondents

(55)	RSA No. 1136 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
M/s Patodia Syntex and others		...Respondents
(56)	RSA No. 1137 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Sh. Umesh Whig and another		...Respondents
(57)	RSA No. 1171 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
B.S.M. Developers Pvt. Ltd. and others		...Respondents
(58)	RSA No. 1170 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Shashi Jain and others		...Respondents
(59)	RSA No. 1203 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
M/s Metro Valley Business Park Pvt. Ltd. and others		...Respondents
(60)	RSA No. 1202 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Smt. Neelam Pasricha		...Respondent

- (61)

RSA No. 1172 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Niyojit Farms Pvt. Ltd. and aothers

...Respondents
- (62)

RSA No. 1204 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Smt. Sandhya Kalra and others

...Respondents
- (63)

RSA No. 1205 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Sigma Infracon Private Limited and others

...Respondents
- (64)

RSA No. 1206 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Chirag Kumar Subba and others

...Respondents
- (65)

RSA No. 1177 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Air. Comdr. Narinder Chatrath and others

...Respondents
- (66)

RSA No. 1179 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Krishan Gupta and others

...Respondents

(67)	RSA No. 1180 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Simriti Sharma and others		...Respondents
(68)	RSA No. 1192 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ruby Anand and others		...Respondents
(69)	RSA No. 1200 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Girish Chander Sharma and another		...Respondents
(70)	RSA No. 1133 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Kapil Khanna and others		...Respondents
(71)	RSA No. 1121 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Mr. Satya Parkash Khosla (HUF) and another		...Respondents
(72)	RSA No. 1127 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Manish Sharma and others		...Respondents

(73)	RSA No. 1129 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ravinder Pal Singh Gill land others		...Respondents
(74)	RSA No. 1126 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
M/s ASF Insignia SEZ Pvt. Ltd. and others		...Respondents
(75)	RSA No. 1125 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Shub Prabhat Multi Projects Limited and others		...Respondents
(76)	RSA No. 1122 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Mr. Jitender Parmar and another		...Respondents
(77)	RSA No. 1153 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Chetan Sabharwal and others		...Respondents
(78)	RSA No. 1148 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ibiza Hotels & Real Estates Developers Private Limited and others		...Respondents

(79)	RSA No. 1149 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Davender Singh Giare and others		...Respondents
(80)	RSA No. 1151 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Mohan Lal Bansal and others		...Respondents
(81)	RSA No. 1150 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Manjit Singh Sabharwal and others		...Respondents
(82)	RSA No. 1146 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Kusum Lata and another		...Respondents
(83)	RSA No. 1459 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Roop Kiran Kaur and others		...Respondents
(84)	RSA No. 1457 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Dr. R.K. Bakshi and others		...Respondents

- (85)

RSA No. 1442 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Nigam Chawla and another

...Respondents
- (86)

RSA No. 1440 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

J.M. Kapur and others

...Respondents
- (87)

RSA No. 1432 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Jai Narain Rungta and others

...Respondents
- (88)

RSA No. 1454 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Gurcharan Ghai and others

...Respondents
- (89)

RSA No. 1431 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Gaurav Setia and others

...Respondents
- (90)

RSA No. 1443 of 2019 (O&M)

Municipal Corporation, Gurugram

...Appellant

Versus

Smt. Rajni Ramani and others

...Respondents

- (91)

RSA No. 1447 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

SJS Hill View Estate Pvt. Ltd. and another

...Appellant

...Respondents
- (92)

RSA No. 1462 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Smt. Meena Rastogi and another

...Appellant

...Respondents
- (93)

RSA No. 1463 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Arjun Rishi and others

...Appellant

...Respondents
- (94)

RSA No. 1433 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Sant Ram and another

...Appellant

...Respondents
- (95)

RSA No. 1460 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Soniya Sood

...Appellant

...Respondent
- (96)

RSA No. 1448 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

M/s Gleaming Real Estate Private Limited and others

...Appellant

...Respondents

(97)	RSA No. 1478 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Dal Chand Rastogi and another		...Respondents
(98)	RSA No. 1449 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Meera Ali and others		...Respondents
(99)	RSA No. 1455 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Anukool Films Pvt. Ltd. and others		...Respondents
(100)	RSA No. 1456 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Mahesh and others		...Respondents
(101)	RSA No. 1458 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
ABW Infrastructure Ltd. and others		...Respondents
(102)	RSA No. 1453 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Karam Singh and others		...Respondents

(103)	RSA No. 1445 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
M/s Krish Realty Nirman Pvt. Ltd. and others	...Respondents	
(104)	RSA No. 1473 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
Shivpal Beri and others	...Respondents	
(105)	RSA No. 1450 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
Ravinder Kumar and others	...Respondents	
(106)	RSA No. 1444 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
Mr. Naresh Arora	...Respondents	
(107)	RSA No. 1451 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
Madhu Chhabra and others	...Respondents	
(108)	RSA No. 1434 of 2019 (O&M)	
Municipal Corporation, Gurugram	...Appellant	
	Versus	
Ravi Shankar Prashar and another	...Respondents	

(109)	RSA No. 1435 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
R.S. Merchandising Pvt. Ltd. and others		...Respondents
(110)	RSA No. 1437 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Shiv Mohan Kapur and another		...Respondents
(111)	RSA No. 1429 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ravinder Sharma and others		...Respondents
(112)	RSA No. 1476 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Harpal Singh Ohri and others		...Respondents
(113)	RSA No. 1446 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
M/s Oscar Biotech Pvt. Ltd. and others		...Respondents
(114)	RSA No. 1479 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Shalini and others		...Respondents

- (115)

RSA No. 1477 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Ambawata Buildwell Pvt. Ltd. and others

...Appellant

...Respondents
- (116)

RSA No. 1436 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Atinder and others

...Appellant

...Respondents
- (117)

RSA No. 1430 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

M/s Taurus Buildwell Private Ltd. and others

...Appellant

...Respondents
- (118)

RSA No. 2818 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Pavan Kumar Verma and others

...Appellant

...Respondents
- (119)

RSA No. 3140 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Manjit Singh Sabharwal and others

...Appellant

...Respondents
- (120)

RSA No. 1485 of 2019 (O&M)

Municipal Corporation, Gurugram

Versus

Manish Aggarwal and another

...Appellant

...Respondents

(121)	RSA No. 1482 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Ample Developers Private Limited and others		...Respondents
(122)	RSA No. 1481 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Vijender Jain and others		...Respondents
(123)	RSA No. 1480 of 2019 (O&M)	
Municipal Corporation, Gurugram		...Appellant
	Versus	
Prem Adip Rishi (HUF) and others		...Respondents
(124)	RSA No. 1357 of 2019 (O&M)	
Pradeep Malik and others		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(125)	RSA No. 2539 of 2019 (O&M)	
R.S. Merchandising Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(126)	RSA No. 2296 of 2019 (O&M)	
Smt. Omita Sharma		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents

(127)	RSA No. 784 of 2019 (O&M)	
Vijender Jain		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(128)	RSA No. 4074 of 2019 (O&M)	
Shiv Kumar Jatia		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(129)	RSA No. 1465 of 2019 (O&M)	
Pradeep Malik and others		...Appellant
	Versus	
State of Haryana and others		...Respondents
(130)	RSA No. 1165 of 2019 (O&M)	
M/s Niyojit Farms Pvt. Ltd.		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(131)	RSA No. 2540 of 2019 (O&M)	
R.S. Merchandising Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(132)	RSA No. 871 of 2019 (O&M)	
M/s Multimatrix Realty Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents

(133)	RSA No. 2528 of 2019 (O&M)	
M/s Taurus Buildwell Private Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(134)	RSA No. 2612 of 2019 (O&M)	
Ravinder Sharma		...Appellant
	Versus	
State of Haryana and others		...Respondents
(135)	RSA No. 2619 of 2019 (O&M)	
M/s Taurus Buildwell Private Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(136)	RSA No. 5285 of 2019 (O&M)	
Smt. Meena Rastogi		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(137)	RSA No. 5304 of 2019 (O&M)	
Chetan Sabharwal and another		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(138)	RSA No. 1157 of 2019 (O&M)	
Niyojit Farms Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents

(139)	RSA No. 2620 of 2019 (O&M)	
J.M. Kapur and others		...Appellants
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(140)	RSA No. 2272 of 2019 (O&M)	
Chirag Kumar Subba		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(141)	RSA No. 2273 of 2019 (O&M)	
Chirag Kumar Subba		...Appellant
	Versus	
State of Haryana and others		...Respondents
(142)	RSA No. 2293 of 2019 (O&M)	
Smt. Omita Sharma		...Appellant
	Versus	
State of Haryana and others		...Respondents
(143)	RSA No. 2696 of 2019 (O&M)	
M/s Metro Valley Business Park Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(144)	RSA No. 2118 of 2019 (O&M)	
Dr. R.K. Bakshi and another		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents

(145)	RSA No. 2635 of 2019 (O&M)	
Kusum Lata		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(146)	RSA No. 5188 of 2019 (O&M)	
Chetan Sabharwal and another		...Appellants
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(147)	RSA No. 2580 of 2019 (O&M)	
Sigma Infracon Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(148)	RSA No. 2547 of 2019 (O&M)	
Sigma Infracon Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(149)	RSA No. 1240 of 2019 (O&M)	
Rajni Ramani and another		...Appellants
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(150)	RSA No. 1268 of 2019 (O&M)	
Multimatrix Realty Pvt. Ltd.		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents

(151)	RSA No. 1156 of 2019 (O&M)	
M/s Metro Valley Business Park Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(152)	RSA No. 1428 of 2019 (O&M)	
Municipal Corporation Gurugram		...Appellant
	Versus	
Sushil Kumar Sharma and others		...Respondents
(153)	RSA No. 1475 of 2019 (O&M)	
Municipal Corporation Gurugram		...Appellant
	Versus	
Sanjay Bakshi and others		...Respondents
(154)	RSA No. 1474 of 2019 (O&M)	
Municipal Corporation Gurugram		...Appellant
	Versus	
M/s Hana Hotels & Apartments Pvt. Ltd.		...Respondent
(155)	RSA No. 550 of 2019 (O&M)	
Umesh Whig and another		...Appellants
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents
(156)	RSA No. 2086 of 2019 (O&M)	
Shyam Nagpal		...Appellants
	Versus	
Municipal Corporation, Gurugram, and others		...Respondents

(157)	RSA No. 1484 of 2019 (O&M)	
Sant Ram		...Appellant
	Versus	
Municipal Corporation, Gurugram, and another		...Respondents
(158)	RSA No. 1452 of 2019 (O&M)	
Sant Ram		...Appellant
	Versus	
Municipal Corporation, Gurugram, and another		...Respondents
(159)	RSA No. 1441 of 2019 (O&M)	
Sant Ram		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(160)	RSA No. 1483 of 2019 (O&M)	
Sant Ram		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(161)	RSA No. 2011 of 2019 (O&M)	
Shyamn Nagpal		...Appellant
	Versus	
State of Haryana and others		...Respondents
(162)	RSA No. 2034 of 2019 (O&M)	
Mahesh		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(163)	RSA No. 2409 of 2019 (O&M)	
Mahesh		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(164)	RSA No. 621 of 2019 (O&M)	
M/s ASF Insignia SEZ Pvt. Ltd. and another		...Appellants
	Versus	
State of Haryana and others		...Respondents
(165)	RSA No. 620 of 2019 (O&M)	
M/s ASF Insignia SEZ Pvt. Ltd. and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(166)	RSA No. 666 of 2019 (O&M)	
M/s Hana Hotels & Apartments Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram		...Respondent
(167)	RSA No. 664 of 2019 (O&M)	
Ruby Anand and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(168)	RSA No. 670 of 2019 (O&M)	
Mohan Lal Bansal		...Appellant
	Versus	
State of Haryana and others		...Respondents

(169)	RSA No. 662 of 2019 (O&M)	
Sandhya Kalra and others		...Appellants
	Versus	
State of Haryana and others		...Respondents
(170)	RSA No. 781 of 2019 (O&M)	
Nigam Chawla		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and another		...Respondents
(171)	RSA No. 783 of 2019 (O&M)	
Hema		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(172)	RSA No. 636 of 2019 (O&M)	
Manjit Singh Sabharwal and another		...Appellants
	Versus	
State of Haryana and others		...Respondents
(173)	RSA No. 640 of 2019 (O&M)	
Nigam Chawla		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(174)	RSA No. 632 of 2019 (O&M)	
Manjit Singh Sabharwal and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(175)	RSA No. 639 of 2019 (O&M)	
Jai Narain Rungta and others		...Appellants
	Versus	
The State of Haryana and others		...Respondents
(176)	RSA No. 641 of 2019 (O&M)	
Ravinder Kumar and others		...Appellants
	Versus	
State of Haryana and others		...Respondents
(177)	RSA No. 771 of 2019 (O&M)	
Simriti Sharma @ Sumiti Sharma and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(178)	RSA No. 631 of 2019 (O&M)	
Renu Aggarwal		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(179)	RSA No. 786 of 2019 (O&M)	
Sunil Gupta		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and another		...Respondents
(180)	RSA No. 622 of 2019 (O&M)	
Sandhya Kalra and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(181)	RSA No. 637 of 2019 (O&M)	
Manjit Singh Sabharwal and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(182)	RSA No. 661 of 2019 (O&M)	
Naresh Arora		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(183)	RSA No. 634 of 2019 (O&M)	
Manish Aggarwal		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(184)	RSA No. 669 of 2019 (O&M)	
Satya Parkash Khosla (HUF)		...Appellants
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(185)	RSA No. 649 of 2019 (O&M)	
Sadhna Mehra		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(186)	RSA No. 645 of 2019 (O&M)	
Simriti Sharma @ Sumiti Sharma and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(187)	RSA No. 651 of 2019 (O&M)	
Nigam Chawla		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(188)	RSA No. 653 of 2019 (O&M)	
Pavan Kumar Varma		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(189)	RSA No. 650 of 2019 (O&M)	
Ravinder Kumar and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(190)	RSA No. 769 of 2019 (O&M)	
JaiNarain Rungta and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(191)	RSA No. 765 of 2019 (O&M)	
Nigam Chawla		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(192)	RSA No. 764 of 2019 (O&M)	
Meera Ali		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents

(193)	RSA No. 663 of 2019 (O&M)	
Mohan Lal Bansal		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(194)	RSA No. 658 of 2019 (O&M)	
Harpal Singh Ohri and another		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(195)	RSA No. 772 of 2019 (O&M)	
Gulab Bakhru and others		...Appellants
	Versus	
State of Haryana and others		...Respondents
(196)	RSA No. 767 of 2019 (O&M)	
Manjit Singh Sabharwal and another		...Appellants
	Versus	
The State of Haryana and others		...Respondents
(197)	RSA No. 674 of 2019 (O&M)	
Sadhna Mehra		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and another		...Respondents
(198)	RSA No. 648 of 2019 (O&M)	
Air Comdr. Narinder Chatrth and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(199)	RSA No. 660 of 2019 (O&M)	
Smt. Neelam Pasricha		...Appellant
	Versus	
Municipal Corporation, Gurugram		...Respondent
(200)	RSA No. 659 of 2019 (O&M)	
Sunil Gupta		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(201)	RSA No. 646 of 2019 (O&M)	
Satya Parkash Khosla (HUF)		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(202)	RSA No. 672 of 2019 (O&M)	
Air Comdr. Narinder Chatrath and another		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(203)	RSA No. 677 of 2019 (O&M)	
Renu Aggarwal		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents
(204)	RSA No. 676 of 2019 (O&M)	
Pavan Kumar Varma		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents

(205)	RSA No. 667 of 2019 (O&M)	
Manish Aggarwal		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and another		...Respondents
(206)	RSA No. 770 of 2019 (O&M)	
Soniya Sood		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(207)	RSA No. 768 of 2019 (O&M)	
Harpal Singh Ohri and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(208)	RSA No. 665 of 2019 (O&M)	
Hema		...Appellant
	Versus	
State of Haryana and others		...Respondents
(209)	RSA No. 644 of 2019 (O&M)	
Gulab Bakhru and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(210)	RSA No. 647 of 2019 (O&M)	
Meera Ali		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(211)	RSA No. 2690 of 2019 (O&M)	
Ravinder Sharma		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(212)	RSA No. 2743 of 2019 (O&M)	
Devender Khanna		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(213)	RSA No. 2670 of 2019 (O&M)	
M/s Ambawata Buildwell Private Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(214)	RSA No. 2685 of 2019 (O&M)	
M/s Metro Valley Business Park Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(215)	RSA No. 2661 of 2019 (O&M)	
J.M. Kapur and others		...Appellants
	Versus	
State of Haryana and others		...Respondents
(216)	RSA No. 2658 of 2019 (O&M)	
Kusum Lata		...Appellant
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondents

(217)	RSA No. 2301 of 2019 (O&M)	
Maxicon Traders Private Limited		...Appellant
	Versus	
State of Haryana and others		...Respondents
(218)	RSA No. 2637 of 2019 (O&M)	
M/s Ambawata Buildwell Private Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(219)	RSA No. 2700 of 2019 (O&M)	
M/s Metro Valley Business Park Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(220)	RSA No. 3160 of 2019 (O&M)	
Dr. R.K. Bakshi and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(221)	RSA No.1578 of 2019 (O&M)	
Ample Developers Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(222)	RSA No. 785 of 2019 (O&M)	
Ample Developers Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents

(223)	RSA No. 782 of 2019 (O&M)	
Ibiza Hotels & Real Estate Developers Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(224)	RSA No. 1576 of 2019 (O&M)	
Vijender Jain		...Appellant
	Versus	
State of Haryana and others		...Respondents
(225)	RSA No. 1577 of 2019 (O&M)	
Ibiza Hotels & Real Estate Developers Pvt. Ltd.		...Appellant
	Versus	
State of Haryana and others		...Respondents
(226)	RSA No. 3118 of 2019 (O&M)	
Shyam Lal and others		...Appellants
	Versus	
Municipal Corporation, Gurugram		...Respondent
(227)	RSA No. 623 of 2019 (O&M)	
Fatey Singh @ Fatey		...Appellant
	Versus	
Municipal Corporation, Gurugram		...Respondent
(228)	RSA No. 1094 of 2019 (O&M)	
Nathey and another		...Appellants
	Versus	
Municipal Corporation, Gurugram		...Respondent

(229)	RSA No. 2856 of 2019 (O&M)	
Smt. Shakuntala Sharma		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondent
(230)	RSA No. 2894 of 2019 (O&M)	
Manish Sharma		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondent
(231)	RSA No. 3000 of 2019 (O&M)	
Manish Sharma		...Appellant
	Versus	
State of Haryana and others		...Respondent
(232)	RSA No. 2903 of 2019 (O&M)	
Smt. Shakuntala Sharma		...Appellant
	Versus	
State of Haryana and others		...Respondents
(233)	RSA No. 3241 of 2019 (O&M)	
M/s Gleaming Real Estate Private Limited		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(234)	RSA No. 4425 of 2019 (O&M)	
Smt. Rajni Ramani and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondent

(235)	RSA No. 4424 of 2019 (O&M)	
Smt. Rajni Ramani and another		...Appellants
	Versus	
State of Haryana and others		...Respondents
(236)	RSA No. 1707 of 2019 (O&M)	
Rummy Chhabra and others		...Appellants
	Versus	
State of Haryana and others		...Respondents
(237)	RSA No. 1709 of 2019 (O&M)	
M/s Patodia Syntix		...Appellant
	Versus	
Municipal Corporation, Gurugram and others		...Respondents
(238)	RSA No. 1710 of 2019 (O&M)	
Rummy Chhabra and others		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondent
(239)	RSA No. 625 of 2019 (O&M)	
Shyam Maheshwari		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(240)	RSA No. 627 of 2019 (O&M)	
B.S.M. Developers Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondent

(241)	RSA No. 1110 of 2019 (O&M)	
Shiv Mohan Kapur		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(242)	RSA No. 4132 of 2019 (O&M)	
SJS Hill View Estate Pvt. Ltd.		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondents
(243)	RSA No. 4138 of 2019 (O&M)	
SJS Hill View Estate Pvt. Ltd.		...Appellants
	Versus	
Deputy Commissioner-cum-Collector, Gurugram and others		...Respondent
(244)	RSA No. 1967 of 2019 (O&M)	
Gaurav Setia and another		...Appellants
	Versus	
Municipal Corporation, Gurugram and others		...Respondent
(245)	RSA No. 2115 of 2019 (O&M)	
Rummy Chhabra and others		...Appellants
	Versus	
State of Haryana and others		...Respondent
(246)	RSA No. 3154 of 2019 (O&M)	
Deepak Kumar		...Appellant
	Versus	
Municipal Corporation, Gurugram and another		...Respondent

(247) RSA No. 1990 of 2019 (O&M)

Shri Jitender Parmar and another

...Appellants

Versus

Municipal Corporation, Gurugram

...Respondent

(248) RSA No. 1705 of 2019 (O&M)

M/s Patodia Syntex

...Appellant

Versus

Deputy Commissioner-cum-Collector, Gurugram and others

...Respondents

(249) RSA No. 820 of 2019 (O&M)

Davender Singh Gaire

...Appellant

Versus

Municipal Corporation, Gurugram and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. M.L. Sarin, Senior Advocate with
Mr. Vijay Gupta and Mr. Animesh Sharma, Advocates,
Mr. Shailendra Jain, Senior Advocate with
Mr. Sidharth Goyal and Mr. Vijay Gupta, Advocates,
Mr. Puneet Bali, Senior Advocate with
Mr. Satyam Aneja and Mr. Vibhav Jain, Advocate,
Mr. Sanjay Vij, Advocate,
Mr. Aayush Chopra, Advocate,
Mr. Amit Jain & Arnav K. Sood, Advocate,
Mr. Jagdish Manchanda, Advocate,
Mr. Navjot Singh Sidhu, Advocate,
Mr. Sachin Mittal, Advocate,
Mr. Vaibhav Sharma, Advocate,
Mr. Vikas Singh, Advocate,
Mr. Aayush Gupta, Advocate,
Mr. V.K. Pandey, Advocate,
Mr. S.C. Nagpal, Advocate,
for the petitioners/appellants.

Mr. Lokesh Sinhal, Advocate,
for the Municipal Corporation.

Mr. V. K. Jindal, Senior Advocate with

Mr. Gopal Soni, Advocate,
for the private respondents.

Mr. Pramjeet Singh, AAG, Haryana.

JAISHREE THAKUR, J.

1. By this order, this Court proposes to dispose of the above titled Civil Revisions filed under Article 227 of the Constitution of India as well as the Regular Second Appeals filed by the Municipal Corporation, Gurugram as well as the private parties, seeking to challenge the judgment and decree passed by the Additional District Judge, Gurugram, dated 31.8.2018, vide which the judgment and decree dated 16.4.2018 passed by the Civil Judge (Senior Division), Gurugram, decreeing the suits of the plaintiffs therein were set aside, while partly allowing the appeals.

2. These cases have a common chequered history and, therefore, to try and understand the dispute involved in these cases, it would be necessary to take into account a few details.

3. The subject matter of the dispute pertains to the rights of landowners of about 300 acres of land comprised in revenue estate of village Gwal Pahari, Tehsil Sohna, District Gurugram. The plaintiffs (some of the appellants herein), being the landowners, successors in interest of the original proprietors of village etc. had filed civil suits before the Civil Judge (Senior Division), Gurugram, seeking a declaration to the effect that they are owners in possession of the suit property situated within the revenue estate of village Gwal Pahari, Tehsil Sohna, District Gurugram, claiming a right in the property being successors in interest of the original proprietors of the village either by way of inheritance or purchase of the land, while also

seeking that the eviction notices issued under Section 408A of the Haryana Municipal Corporation Act 1994 along with mutation 96, 3110 and 3249 be declared as illegal, null and void ab-initio. Permanent injunction was also sought against the defendants therein i.e. State of Haryana, Municipal Corporation, Gurugram, and the revenue authorities restraining them from interfering in the peaceful possession, construction and use of the land in any manner. In the suit, it was claimed that the plaintiffs are owners in settled possession over the suit land, which was recorded as **Shamlat Deh Hasab Rasad Kabja Jamin**, as per the Jamabandi for the year 1906-07. Earlier also the land was in possession of the proprietors of the village as late as 1940-41 and the land was reflected as **Shamlat Deh Hasab Rasad Kabja Jamin** in the revenue record. In both the jamabandies, the proprietors of the land were shown to be in possession of the suit property with the entry **Makbooza Malkan**. Subsequently, with the Punjab Village Common Lands (Regulation) Act 1953 being notified, Mutation 96 dated 31.03.1955, came into effect illegally showing the Gram Panchayat, Gawal Pahari to be in possession of the same, even though the Panchayat never took possession of the land and the same remained in cultivating possession of the proprietors of the village. The said notification was stayed and ultimately the Punjab Village Common Lands (Regulation) Act 1961 came into force and the land in dispute came under the exception of Section 2 (g) of Act of 1961 and the land was described as **shamlat deh**.

4. On 5.11.1980, the proprietors of the village filed a suit in a representative capacity before the Assistant Collector Ist Grade, Gurugram titled **Prem Raj and others Versus Gram Panchayat, Gwal Pahari**, on

the ground that the proprietors were owners in cultivating possession of the land measuring about 6145 kanals prior to 26.1.1950 and as such the land did not fall within the definition of *shamlat deh*, apart from taking other pleas therein. The said suit was dismissed on 11.12.1986. Aggrieved against the said order, an appeal was filed before the Collector, who too dismissed the appeal on 25.7.1987. Still feeling dissatisfied, an appeal was filed before the Divisional Commissioner, who remanded the matter and finally the Collector, Gurugram, vide order dated 15.2.1989, partly decreed the representative suit. The order of the Collector, Gurugram, was challenged before the Commissioner, Gurugram, who vide order dated 1.8.1990 once again remanded the matter to the Collector, with the direction to recalculate the shares properly.

5. In the meantime, against the order dated 1.8.1990, the Gram Panchayat filed a writ petition before this Court, being **CWP No. 16719 of 1990**, which was eventually dismissed as withdrawn on 22.9.2000. However, on an **LPA No 106 of 2006 (titled The Gram Panchayat Vs. The Commissioner, Gurgaon & others)**, being filed by the Gram Panchayat, against the order passed in CWP No. 16719 of 1990, the order dated 22.9.2000 was recalled on 5.2.2010 with a direction to the Collector to take appropriate decision regarding the nature of the land in accordance with law after giving opportunities to all the affected parties. In the meantime by notification dated 20.3.2010, the land came to vest with the Municipal Corporation, with the result that fresh suits were filed seeking declaration to the effect that the landowners are in possession of the suit properties and the land is not *Shamlat Deh*. Subsequent to the matter pending before the civil

court (since the revenue authorities by its order in 1980 had held that these are matter for the civil court to decide), a writ petition being CWP 7112 of 2017 titled **Harinder Dhingra Vs. State of Haryana and others** was filed in this Court by way of Public Interest Litigation seeking a direction for handing over the inquiry in the matter of sanction of mutation 3110 dated 2.7.2012 in respect of land measuring 3717 kanals and 1 marlas, which was earlier vested in the Gram Panchayat, Gwal Pahari since the year 1940-41 and now vests in the Municipal Corporation, Gurugram, as there was a major land scam involving various revenue officials/officers and bureaucrats, while further seeking a direction to decide the issue of mutation in respect of the land of erstwhile Gram Panchayat Gwal Pahari, which now vests with the Municipal Corporation, by virtue of notification dated 20.3.2010. A Division Bench of this Court, while disposing of the writ petition, gave the following directions:-

“It may be noticed that in fact the determination of the land, as to whether it is 'shamlat deh' or not, is primarily to be considered on the basis of revenue records and entries. Oral evidence in such a case is not of much help or for that matter even necessary; besides, it may be noticed that the parties have filed voluminous documents in the shape of revenue records, which may not be connected with the land that is claimed in the Civil Suit and is detailed in paras 3 and 4 of the Civil Suit (Annexure A-58). It would in fact be just and proper if in each case, the parties confine their documentation to the land only that is claimed by them instead of attaching the revenue records of the entire village which not only creates confusion but makes the paper book unnecessarily voluminous. It would be prudent if the khasra numbers of the land which are claimed are identified and the synopsis of the same based on year wise

'Jamabandi' is given with details and the manner in which the transactions in respect of the same have been carried out, that would suffice for the proper adjudication of the case. It needs to be specifically determined as to whether the land would be 'shamlat deh' or not in accordance with law.

6. Thereafter, the matter was taken up for hearing by the Civil Judge (Senior Division) Gurugram, who decided the issues as framed by the consolidated judgment rendered by him in the Civil Suit titled **Mahesh Versus Municipal Corporation, Gurgaon and others**. By a common judgment, 118 civil suits filed by the villagers, which were consolidated, were decreed, declaring the plaintiffs to be owners in possession over their respective suit lands and also declaring the eviction notices issued under Section 408A of the Haryana Municipal Corporation Act 1994 by the Municipal Corporation Gurugram, and mutation No. 96, 3110 and 3249 as illegal, null and void ab-initio and set aside the same. Further the defendants were restrained from interfering in any manner in the peaceful possession, ownership, construction and use of the land by the plaintiffs.

7. Aggrieved against the said judgment and decree of the trial Court, the Municipal Corporation as well as the State of Haryana filed 226 civil appeals, which, as already noticed above, were disposed of by the Additional District Judge, Gurugram, by his common order dated 31.8.2018, out of which judgment the instant Civil Revisions as well as Regular Second Appeals have been preferred.

8. Mr. M.L. Sarin, learned Senior Counsel, assisted by Mr. Vijay Gupta and Mr. Animesh Sharma, Advocates, *inter-alia*, argued that the Additional District Judge has acted with undue haste, without following the

settled procedure as prescribed under law, while allowing an application for additional evidence filed under Order 41 Rule 27 of the Code of Civil Procedure. It is argued that the decree drawn up in the appeal was not in consonance with the Form No. 9, Appendix G, (Order XLI, Rule 35) of the Code of Civil Procedure, since the plaintiffs in the representative suit filed before the revenue authorities (those who had initially challenged the land being declared as *shamlat deh*) have been transposed as the appellants namely, Prem Raj and others, while transposing the defendants therein in a similar fashion. It is submitted that as per sub Rule (2) of Order 41 Rule 35 of the Code of Civil Procedure, the Appellate Court decree should contain the number of the appeal, the names and descriptions of the appellant and the respondent, and a clear specification of the relief granted or other adjudication made. It is submitted that the decree passed by the first Appellate Court is unknown to the law and procedure adopted by him. The first Appellate Court ought to have passed an independent decree in terms of sub-Rule (2) of Rule 35 of Order of the Code of Civil Procedure describing the 'appellant' and 'respondent' and clearly specifying the relief granted. On the contrary, he adopted a strange procedure as he called for the civil suit filed by the villagers in a representative capacity titled **Prem Raj and others Vs. Gram Panchayat**, which had already been decided and consigned to the record and decided the same as a civil suit without even issuing notice to the legal representatives of the plaintiffs namely, Prem Raj etc. as some of the plaintiffs had expired. It is argued that the judgment as rendered has not dealt with any of the issue or discussed the evidence that has been adduced on record by the landowners. It is also argued that a

necessity arose to file a Civil Revision under Article 227 of the Constitution of India challenging the judgment and decree of the Additional District Judge, Gurugram, dated 31.8.2018 since in the decree as drawn up in the appeal filed by the Municipal Cooperation, there is no mention of the petitioner—**Multimatrix Reality Pvt. Ltd.** Thus, the decree drawn up itself was faulty being not in accordance with the procedure. Therefore, in order to safeguard the interest of the petitioners, they have challenged the judgment and decree in the Regular Second Appeal as well.

9. Per contra, Mr. Lokesh Sinhal, learned counsel appearing on behalf of the Municipal Corporation would contend that the Civil Revision itself is not maintainable since a Regular Second Appeal has been filed, while further contending that the Additional District Judge has returned a finding in favour of the Municipal Corporation holding the land to be *shamlat deh* and, therefore, a well reasoned judgment passed by the first Appellate Court should not be interfered with.

10. Mr. V.K. Jindal, learned Senior Counsel, appearing on behalf of the respondents, supports the contentions as raised by the learned counsel for the Municipal Corporation.

11. I have heard learned counsel for the parties and with their assistance have gone through the pleadings in the Civil Revision No. 94 of 2019 as well as the impugned judgment and decree passed by the Additional District Judge, Gurugram.

12. The judgment and decree as passed by the Additional District Judge is incomprehensible. At the first instance, this Court is unable to understand as to how the “*plaintiffs*” in suit/proceedings filed before the

revenue authorities could be planted as “appellants” in the appeal filed against the petitioners herein. Before the Additional District Judge, the memo of parties at the time of filing the appeal challenging the judgment and decree of the Civil Judge (Senior Division) Gurugram, reads as “*Municipal Corporation, Gurugram Versus M/s Metro Valley Business Park Pvt. Ltd.*” A reading of the impugned judgment would reflect non-application of mind . Para 67 of the impugned judgment reads as under:-

“67. In view of above discussion, the claim of proprietors in the representative suit 'Prem Raj & Others Vs. Gram Panchayat' is devoid of merits and the suit is liable to be dismissed, if this Court has the authority to declare so. Let a decree-sheet of representative suit “Prem Raj & Others Vs. Gram Panchayat' be prepared accordingly, to bury this litigation for all the times to come.”

13. Apart from this, a glaring infirmity and which is of grave concern is as to how the Additional District Judge dealt with the appeal and the manner in which the application under Order 41 Rule 27 of the Code of Civil Procedure was allowed. The appeal was filed on 18.5.2018 and notice issued for 21.5.2018 on which date an application for additional evidence was also preferred. Notice was issued again to the respondents on the main appeal as well on the application filed under Order 41 rule 27 of the Code of Civil Procedure and the Court directed that the notice be issued to the counsel for the plaintiffs on the ground that the plaintiffs were in hundreds. Thereafter, by order dated 24.7.2018, he held the service to be complete as *vakalatnamas* had been filed by same counsel, who were representing the plaintiffs in the trial court. He heard arguments on 14.8.2018 and thereafter heard arguments again on 16.8.2018 and adjourned the matter for 18.8.2018.

The case was then adjourned to 24.8.2018 on which date he summoned the record pertaining to the representative suit filed as ***Prem Raj and others Vs. Gram Panchayat***, which, after decision, had already been consigned to the record room of the Deputy Commissioner, Gurugram, It is pertinent to note that these proceedings were not pending before him as they stood consigned and the matter being agitated was under the Punjab Village Common (Regulation) Act 1961. The application filed under Order 41 Rule 27 of the Code of Civil Procedure seeking permission to lead additional evidence was disposed of along with the appeals i.e. on 31.8.2018 in the following manner:-

“9. In view of above discussion, this court is of the view that 35 documents out of proposed 41 documents (leaving 6 documents already running tendered in rebuttal evidence) are essential to arrive at a just and reasonable conclusion, that is say, essential to enable this court to pronounce proper judgment, in the interest of justice. Hence, application seeking permission to lead additional evidence is, hereby, allowed. Learned counsel for the appellant/defendant is, hereby, directed to tender these 35 documents in additional evidence as Exh. D39 to Exh D73 by making a statement which has to be recorded separately. Let copy of these exhibits be supplied to learned counsel for respondents/appellant forthwith.

10. Keeping in view of discussion and the peculiar facts and circumstances of the case, this court find no necessity to keep the matter pending for the mere formality of granting opportunity to the respondents to lead evidence in rebuttal as the additional evidence led today is actually happens to be the left-over evidence of the respondents which they had led on 2.4.2018 by placing on record Exh. P129 to Exh. P.134.”
(emphasis supplied) .

14. The reasoning adopted by the Additional District Judge, while allowing the application for additional evidence, shows a total lack of judicial approach and against all canons of law and procedure. The Supreme Court in a judgment rendered in **Akhilesh Singh alias Akhileshwar Singh Versus Lal Babu Singh and others (2018) 4 Supreme Court Cases 659**, while dealing with the provision of Order 41 Rule 27 of the Code of Civil Procedure held as under:-

“12. Order 41 Rule 27 CPC, which deals with the provision of additional evidence in appellate court, provides for the grounds and circumstances on which appellate court may allow such evidence or documents or witnesses to be examined. Order 41 Rule 27 sub-rule (2) further provides that wherever additional evidence is allowed to be produced by an appellate court, the court shall record a reason for its admission. Order 41 Rule 27 is silent as to the procedure to be adopted by the High Court after admission of additional evidence. Whether after admission of additional evidence, it is necessary for the appellate court to grant opportunity to the other party to lead evidence in rebuttal or to give any opportunity is not expressly provided in order 41 rule 27.

xx xx xx

15. A three-Judge Bench of this court in LAO v. H.Narayanaish (1976) 4 SCC 9) had occasion to consider Order 41 Rule 27 in context of admission of additional evidence by the appellate court. This court had observed that in the event the High Court admits an additional evidence, an opportunity should have been given to the other party to rebut any inference arising from its existence by leading evidence. In para 28 of the judgment, following has been laid down (SCC p.20).

xx xx xx

16. To the same effect is another judgment of this Court in Shalimar Chemical Works Ltd. Vs. Surendra Oil and Dal Mills (2010) 8 SCC 423. In this case also, the Court had occasion to consider Order 41 Rule 27. This court has again laid down that when documents are taken in additional evidence, an opportunity out to have been given to other party to lead evidence in rebuttal.”

15. In a recent judgment the Supreme Court in the case of **Corporation of Madras and another Versus M. Parthasarathy and others (2018) 9 Supreme Court Cases 445** held as under:-

“Once, additional evidence is permitted at appellate stage, other side must be given opportunity to lead rebuttal evidence to counter additional evidence.

xx xx xx

Appellate Courts have two options (i) to take recourse remanding entire matter under Order 41 Rule 23-A for retrial, or (ii) to make limited remand under Order 41 Rule 25 by retaining main appeal with itself so that parties can lead evidence on particular issues in light of additional evidence and then to decide main appeal on merits.”

16. From the above, it is abundantly clear that the observation of the first Appellate Court to the effect that “...this court find no necessity to keep the matter pending for the mere formality of granting opportunity to the respondents to lead evidence in rebuttal as the additional evidence led today...”, while allowing the application for additional evidence, are absolutely against the law. The first Appellate Court ought to have given due opportunity to the petitioners and the other affected parties to lead evidence in rebuttal, particularly when the stakes of the parties, involving a huge chunk of land, was high. For the sake of repetition, the landowners in

possession are seeking to challenge the status of the land shown in the revenue records as *Shamlat Deh* and these landowners had a judgment and decree in their favour.

17. Apart from the above, the Additional District Judge has adopted an unknown and unusual procedure by directing his Reader to address a letter to Sh. Prashant Rana, Civil Judge (Senior Division), Gurugram, to the following effect:-

“To

*Sh. Prashant Rana,
learned Civil Judge (Senior Division)
Gurugram*

Sir,

Please find enclosed herewith copy of the operating paras of judgment dated 31.8.2018 passed by Shri Jasbir Singh Kundu, learned Additional District Judge, Gurugram, its decree sheet along with record relating to representative suit bearing No. 12/SDO titled as 'Prem Raj & others Vs. Gram Panchayat, Gwal Pahari & Others, instituted on 05.11.1980 before the revenue court, for being entered the same as a civil suit and for consignment of this record.

Submitted please,

*Yours faithfully,
Sd/- (Pardeep Kumar)
Reader in the Court of
Sh. JS Kundu, AD&SJ
Gurugram.”*

18. This Court fails to understand how a decree of the Civil Court can be ordered to be entered as a decree in a representative suit bearing No. 12/SDO titled Prem Raj & others Vs. Gram Panchayat, Gwal Pahari & others, in a suit which had been instituted before the revenue court and stood

decided and consigned to the record room. This again shows lack of knowledge of the law and the procedure to be adopted, while deciding the cases. The irregularity and the illegality committed by the Additional District Judge, which is apparent on the face of record, while passing the impugned judgment and decree cannot be sustained in law.

19. Consequently, since all the parties, be it the landowners or the Municipal Corporation are aggrieved against the judgment and decree, the revisions as well as the Regular Second Appeals are allowed. The impugned judgment and decree passed by the Additional District Judge, Gurugram, along with the order passed under Order 41 Rule 27 of the Code of Civil Procedure are set aside and the matter is remanded back to the District Judge, Gurugram, with a direction to decide the civil appeals arising out of the judgment and decree of the trial court as well as the application filed under Order 41 Rule 27 of the Code of Civil Procedure afresh, after giving due opportunity to the all. Needless to mention that any observations made hereinabove would have no bearing on the merit of the case and the appeals are required to be decided in terms of the evidence led or to be led by the parties.

20. Since the matter is of great importance and as a huge chunk of land involving a large number of litigants are involved, it is desirable that these appeals are taken up for hearing and decided by the District Judge, Gurugram, himself, expeditiously.

21. In the meantime, till the disposal of the appeals by the District Judge, the parties are hereby restrained from alienating or creating any third party rights on the land, so as to avoid multiplicity of the litigation.

22. The parties are directed to appear before the District Judge,
Gurugram, on 18.12.2019.

20.11.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No