

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.1871 of 2019

Date of Decision:-23.01.2019

Sewa Singh & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Deepak Verma, Advocate for the Petitioners.

JASWANT SINGH, J.

Two petitioners, namely, Sewa Singh and Jaswant Singh, who have filed a claim petition under Section 11 of The Punjab Village Common Land (Regulation) Act, 1961, against the Gram Panchayat are aggrieved against the impugned order dated 19.12.2018 (P-5), whereby respondent-Gram Panchayat's application for cross examining the witnesses of petitioners (PWs) has been allowed by Collector, SBS Nagar.

Learned Counsel for the petitioner has vehemently argued that the learned Authority had no jurisdiction to pass the impugned order which is non-speaking and cryptic, much less against the principles of natural justice, as the authority concerned had itself treated the opportunity to cross examine the witnesses of petitioners as NIL on previous occasions. However, on an application moved by the respondent-Gram Panchayat, the entire case has been opened up again as the authority below has granted an opportunity to Gram Panchayat to cross examine the witnesses, which as per the counsel is reviewing its own order and thus, not permissible under law. Consequently, prayer has been made for allowing the instant writ petition by setting aside the impugned order dated 19.12.2018 (P-5).

We have heard learned Counsel for the petitioners and have perused the paper book with his able assistance, however, do not find any merit in the instant writ petition.

Admittedly, the matter was fixed for evidence of petitioners when the Gram Panchayat had moved the instant application. It is also an admitted position that strict principles of CPC are not applicable on quasi judicial authorities, who are merely guided by the procedure prescribed therein. Although, it is correct that the approach of the Gram Panchayat has been lackadaisical and the order passed is non-speaking, however, keeping in view the circumstances of the case, these cannot be grounds to interfere. We cannot loose sight of the fact that the Gram Panchayat is an institution managed by persons, who have their own approach of working. On account of casual approach of individuals, the institution cannot be made to suffer, especially in a title suit. Consequently, we are of the opinion that the order passed by the Authority below, allowing the Gram Panchayat to lead evidence cannot be interfered.

In view of the above, finding no merit in the instant writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

January 23, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>