

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

CWP No.13060 of 2018

Date of Decision:-17.05.2019

Sh. Anoop Singh.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

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

Present:- Mr. Sumit Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner-Anoop Singh has filed the instant writ petition, seeking a writ in the nature of Certiorari for quashing the orders dated 04.10.2013 (**P-6**) passed by Assistant Collector 1st Grade, Jhajjar; order dated 29.11.2013 (**P-8**) passed by Collector, Jhajjar; and order dated 29.06.2017 (**P-10**) passed by Commissioner, Rohtak Division, whereby on an application moved by respondent-Pawan Kumar under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (in short referred to as the 'Act, 1961'), eviction of petitioner has been ordered.

Learned Counsel for the petitioner has argued that the authorities below have wrongly ordered the eviction of the petitioner

on the basis of spot inspection dated 06.08.2013, without considering

the fact that same cannot substitute a demarcation report, especially in view of the fact that in a previous spot inspection conducted by Assistant Collector 1st Grade, it was found that impugned order be quashed by allowing the instant writ petition.

After hearing learned Counsel for the petitioner and scrutinizing the paper book, we are of the opinion that instant writ petition is without any merit and, therefore, deserves dismissal.

Admittedly, the spot inspection was carried out by the Assistant Collector 1st Grade in the presence of the general public, including the parties concerned, on the directions of the Commissioner, Rohtak. It is also an admitted position that the pervious spot inspection report given by the Assistant Collector 1st Grade in favour of the petitioner was ignored by the Commissioner, Rohtak as fresh spot inspection was ordered and this order was never put to challenge. Hence the order of Commissioner, Rohtak had attained finality. It is also an admitted position that Assistant Collector 1st Grade, who had conducted the fresh spot inspection, does not hold any grudge against the petitioner and further, it is not disputed that no objections were filed to the spot inspection report.

Once that is so, we are not inclined to interfere in the concurrent findings returned by the Authorities below, as the same are based upon correct appreciation of facts and law. Any spot inspection, which is conducted by a competent officer has to be upheld, until and unless it is shown to be palpably incorrect or against law. However, there is no such situation arising in the instant

case, as the parties had accepted the order of Commissioner,

Rohtak by participating in the remanded eviction proceedings. Further, when no objections were raised to the spot inspection carried by Assistant Collector 1st Grade, either at the time of inspection or during the course of proceedings pending before it, no question arises for us to interfere in the instant case.

In view of the above, finding no merit, instant writ petition is hereby ordered to be dismissed.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 17, 2019
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No