

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

CWP No. 1128 of 2020

Date of Decision: 19.02.2020

BALDEV SINGH

..... Petitioner

V/s.

**STATE OF PUNJAB THROUGH FINANCIAL COMMISSIONER,
DEVELOPMENT RURAL DEVELOPMENT AND PANCHAYAT,
PUNJAB CIVIL SECRETARIAT, CHANDIGARH AND OTHERS**

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA.**

Present: Mr. Kuljit Singh Bal, Advocate,
 for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 18.10.2019 passed by respondent No. 2-Director Rural Development and Panchayat Department, SAS Nagar, Mohali and order dated 18.10.2016 passed by respondent No. 4-District Development and Panchayat Officer, Amritsar.

In brief, an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 was filed by respondent No. 5-Gram Panchayat against the petitioner in respect of the land in dispute which was allowed on 18.10.2016. The petitioner filed an appeal against the said order after a delay of 526 days. The delay was not condoned and the appeal was accordingly dismissed.

Counsel for the petitioner has submitted that the petitioner had earlier filed a suit for permanent injunction against Jaswant Singh Kaurra when he was trying to dispossess him from his cultivating possession from the land in question. The said suit was decreed in his favour. After two years of the decree, Gram Panchayat filed an application before the appellate Court to seek leave to appeal. The said application was dismissed by the Appellate court on 11.04.2016.

It is submitted that the petitioner could not file the appeal in time because he was suffering from some disease and for that matter he has placed

on record the patient discharge card issued by Uppal Neuro Hospital and Multispeciality Center, Amritsar.

We have considered the submission made by counsel for petitioner and after perusal of Patient Discharge Card, we are of the opinion that the reason given by the petitioner for not filing the appeal in time much less after the delay of 526 days are of the opinion that this explanation is concocted and is not made out from the record because the petitioner was admitted in the hospital on 08.08.2015 and discharged on 14.08.2015 whereas the appeal was filed in the year 2019. He has also referred to the patient OPD receipt which is also of the year 2016 and there is no explanation given about the physical condition of the petitioner after 2016.

Be that as it may, another argument raised by the petitioner that the Collector has no jurisdiction to decide the application filed under Section 7 of the Act, this arguments also cannot be considered simply because of the reason because the petitioner is non-suited by the Commissioner for the delay for filing the appeal after a long delay of 526 days and since the delay has not been explained, therefore, we do not find any reason to interfere in both the orders passed by the Collector as well as by the Commissioner, the writ petition is hereby dismissed.

[RAKESH KUMAR JAIN]
JUDGE

February 19, 2020
Ess Kay

[ASHOK KUMAR VERMA]
JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes / No

Yes / No