

Caveator No.200116 of 2019 in CWP No.3519 of 2020 (O&M) -1-

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

**Caveator No.200116 of 2019 in
CWP No.3519 of 2020 (O&M)
Date of Decision: 12.02.2020**

Gram Panchayat Mana Talwandi

....Petitioner

Versus

**Commissioner, Rural Development and Panchayat Department and
others**

....Respondents

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

**Present: Mr.Manish Kumar Singla, Advocate with
Mr.Dinesh Kumar, Advocate for the petitioner.
Mr.Umesh Kumar Kanwar, Advocate as Caveator.**

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed by the Gram Panchayat Mana Talwandi against the order dated 20.09.2019 passed by the Commissioner, Rural Development and Panchayat Department, Mohali.

Counsel for the petitioner has submitted that suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') was filed by the private respondents against the petitioner and the Sarpanch. The said suit was decreed on 10.08.2004. The petitioner challenged the decree by way of an appeal which was allowed on 28.02.2007 and the case was remanded back to the Collector to decide the issue No.4 regarding limitation. After the remand, the Collector decided issue No.4 in favour of the petitioner vide his order dated 08.01.2018. The order of the Collector was challenged by the respondents in appeal but the Appellate Court did not deal with the issue regarding the limitation and

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allowed the appeal against the petitioner. Counsel for the petitioner has submitted that the impugned order passed by the Appellate Authority is patently illegal and it has not dealt with issue No.4 on which the finding has been recorded in their favour and the suit filed by the private respondents was held to be time barred.

Notice of motion.

Counsel appearing on behalf of respondent No.3 on caveat has very fairly conceded that the Appellate Authority i.e. Commissioner has not dealt with the findings recorded in favour of the petitioner and against them in respect of issue No.4.

Thus, in view of the aforesaid facts and circumstances, the writ petition is allowed and order dated 20.09.2019 is set aside and the matter is remanded back to the Commissioner to decide the lis again specifically taking into consideration the findings recorded by the Collector in respect of the issue of limitation. Parties are directed to appear before the Commissioner on 18.03.2020.

(RAKESH KUMAR JAIN)
JUDGE

12.02.2020
Meenu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	:Yes/No
Whether reportable	:Yes/No