

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

211

CWP-8193-2020

Date of decision: 15.12.2020

Jitender and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

PRESENT: Mr. Ashok Bhardwaj, Advocate for the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana
for respondents No. 1 to 4.

Mr. D.S. Adalakha, Advocate for respondents No. 5 and 6.

S.N. SATYANARAYANA, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The respondents in a proceedings bearing Case No. 219/VCL/16/02/2015 on the file of 2nd respondent-Assistant Collector Ist Grade-cum-District Development and Panchayat Officer, have come up in this writ petition impugning order dated 24.07.2019 (Annexure P-1), passed in the said proceedings.

Admittedly, the said proceedings is under Section 7(2) of the Punjab Village Common Lands Act, 1961, seeking ejectment of the respondents from the land bearing Khewat No. 190 min//179, Khatouni No.

311, Khasra No. 11//13, 14, 15, measuring 24 kanals 0 marla, Mouza Pilkhanwala, Hadbast No. 260, Tehsil Bilaspur, District Yamunanagar.

Admittedly, both the petitioners herein who are respondents in the said proceedings as well as the 5th respondent herein-Gram Panchayat, who is applicant in the said petition have not produced any evidence as could be seen at page 3 of the order where the 2nd respondent-Assistant Collector Ist Grade, has recorded in his order as under:

“Both the parties were given number of opportunities to produce their evidence but none of the parties has filed their evidence, for this reason the opportunity to file their evidence was closed. After this the case was fixed for arguments.”

With such observations, the petition is disposed of by order dated 24.07.2019, which is subject matter of challenge in this writ petition.

However, in this petition, learned counsel for the petitioners herein have produced a document at Annexure P-4 which is an extract of Register No. V-S, which is Daily Sales Register of Surplus Rural Evacuee Agricultural Lands, with reference to date of auction which has taken place on 24.08.1984, where at column No. 4, there is a reference to a land from which the petitioners herein are sought to be evicted which indicates that there is 40 kanals of land purchased by Sh. Punnu Ram S/o Sh. Jagu Ram resident of Manglaur, for a valuable consideration of Rs.2250/-. This is relevant document which is not produced before the 2nd respondent-Assistant Collector Ist Grade, to substantiate their ownership. In the absence of the same, it is seen that the petition filed by 5th respondent herein-Gram

Panchayat was decided by 2nd respondent-Assistant Collector Ist Grade by order dated 24.07.2019 (Annexure P-1).

In the aforesaid circumstance, we are of the considered opinion that the order of 2nd respondent dated 24.07.2019 in Case No. 219/VCL/16/02/2015 is required to be set aside and the matter requires to be reconsidered by the 2nd respondent in remand. The remanded petition shall be heard and disposed by 2nd respondent, after recording evidence of the petitioners as well as the 5th respondent-Gram Panchayat. We hereby direct the petitioners and 5th respondent-Gram Panchayat to produce all the documents which are in their custody and after taking the same into consideration, the 2nd respondent-Assistant Collector Ist Grade-cum-District Development and Panchayat Officer, shall decide the matter within six months from this day.

With such observations, this writ petition is disposed of.

(S.N. SATYANARAYANA)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

December 15, 2020
rishu

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No