

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19706-2019 (O&M)
Date of Decision: 27.02.2020

Balwinder Singh and others

..... Petitioners

Vs.

Joint Development Commissioner (IRD) and others

..... Respondents

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

Present: - Mr.Jatinder Singla, Advocate,
for the petitioners.

Ms.Ambika Sood, DAG, Punjab.

Mr.Manish Joshi, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 26.06.2019 by which appeal filed by the Gram Panchayat along with an application filed under Section 5 of the Limitation Act, 1963 for seeking condonation of delay of 4322 days has been allowed after condoning the delay.

Learned counsel for the petitioners has submitted that while allowing the application for seeking condonation of delay, no reason has been assigned whereas, "sufficient cause" has to be referred to in the order for condoning the delay as it is a *sine qua non* for that matter.

Counsel for respondent No.3-Gram Panchayat has very fairly submitted that no reason has been given while condoning the delay.

After hearing counsel for the parties and perusing the record, we are of the considered opinion that the order passed by the appellate authority on

merit against the petitioners while allowing the appeal of the Gram Panchayat is patently erroneous and illegal.

Consequently, the writ petition is allowed, order dated 26.6.2019 is hereby set aside and the matter is remanded back to the appellate authority to decide the application for condonation of delay, in accordance with law, by passing a speaking order much less by giving reasons. Parties are directed to appear before the appellate authority on 24.4.2020.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

27.02.2020

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*