

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

**CM-12993-CWP-2020 in/and
CWP No.20241 of 2020 (O&M)
Date of decision : 18.12.2020**

Smt. Roshni Devi & others

..... Petitioners

versus

The Asstt. Collector 1st Grade,
Hisar, District Hisar & others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ajay Jain, Advocate
for the petitioners.

AJAY TEWARI, J.

CM-12993-CWP-2020

1 For the reasons recorded, the application is allowed. Documents
Annexures P-4 and P-5 are taken on record.

CWP No.20241 of 2020

2 This petition has been filed challenging the orders Annexures P-1
and P-2 whereby an application under Section 7 (1) of the Punjab Village
Common Lands (Regulation) Haryana Amendment Act, 1961 (for short 'the
Act') was allowed against the petitioners on the ground that they had constructed
their house in land which was *Gair Mumkin Johar* and thus vested in the Gram
Panchayat.

3 On 26.11.2020 the following order was passed :-

*“Adjourned to 03.12.2020 to enable the learned
counsel to place on record the zimni orders to show that the*

petitioners' predecessor-in-interest was not given adequate opportunity of either cross-examining the witness of the other side or of leading evidence.”

4 Zimni orders show that the case came up on 17 occasions before the Asstt. Collector 1st Grade, Hisar. Out of these 17 occasions the matter was fixed for evidence on 8 occasions and on the 8th occasion the petitioners were proceeded against ex-parte. Thereafter the order was passed against the petitioners and subsequently the appeal was also dismissed.

5 We also find that it was only on one occasion that the counsel for the petitioners actually appeared before the Court.

5 (A) On merits the argument of the learned counsel for the petitioners is that the person who prepared the demarcation report did not even come present to depose about the same.

6 We find that the report was placed on record by respondent No.4. Had the petitioners taken the opportunity to cross-examine him and to raise the objection regarding the admissibility of the report the argument would have carried weight. But once, as mentioned above the petitioners refused to appear to cross-examine the witness or to take any objection it has to be held that the petitioners had no objection to the production of the report and its reading in evidence. The argument is rejected.

7 In the circumstances, we find that the petitioners were wholly remiss in prosecuting their case before the statutory authorities and resultantly do not deem it appropriate to exercise the extra ordinary jurisdiction of this Court.

8 Petition stands dismissed.

9 Since the main case has been decided, the pending Civil
Misc. Application(s), if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

18.12.2020
pooja sharma-I

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