

**213 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CM-11547-CWP-2021 in/and
CWP-9547-2021
Date of decision: 06.12.2021**

Baldip Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

**Present:- Mr. Gulzar Mohammed, Advocate
for the petitioners.**

Ms. Monica Chhibber Sharma, Senior D.A.G., Punjab.

**Mr. V.K. Sandhir, Advocate for
Mr. Bhawesh Chaudhary, Advocate
for respondent No.3.**

AUGUSTINE GEORGE MASIH, J.(ORAL)

CM-11547-CWP-2021

Application is allowed. Reply by way of an affidavit dated 03.12.2021 of the District Development and Panchayat Officer, Jalandhar on behalf of respondents No.1 and 2 has been filed in the Court along with Annexures R-3/1 to R-3/6, which are taken on record.

CWP-9547-2021

Petitioners have approached this Court challenging the order dated 15.03.2021 (Annexure P-6) passed by the Collector-cum-District Development and Panchayat Officer, Jalandhar, dismissed the application which has been preferred by the petitioners for rejection of the petition filed

under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, preferred by the Gram Panchayat, Khojkipur/respondent No.3 on the ground that the order dated 23.12.2020 (Annexure P-3) passed by the Collector, Panchayat Lands-cum-Divisional Deputy Director, Rural Development and Panchayat, Jalandhar in a petition filed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, had given a finding in favour of the petitioners. The primary contention of the counsel for the petitioners before this Court was that the order dated 15.03.2021 (Annexure P-6) passed by the Collector-cum-District Development and Panchayat Officer, Jalandhar is a cryptic and non-speaking order.

Notice in this regard has been issued to the respondents where replies have been filed. Although an explanation has been put forth by the respondents justifying the order dated 15.03.2021 passed by the Collector-cum-District Development and Panchayat Officer, Jalandhar, rejecting the application of the petitioners but the reasons which are sought to be projected by the respondents, do not find reflected or mentioned in the order of the Collector. Since a *quasi judicial* authority is required to pass a speaking order justifying the passing of the same based upon the pleadings and the findings, if any, on record. In the absence of such material being not available in the impugned order, we are forced to pass an order to set aside the same.

In view of the above, we allow the present petition and set aside the order dated 15.03.2021 (Annexure P-6) passed by the Collector-cum-District Development and Panchayat Officer, Jalandhar. It has been brought to the notice of the Court that proceedings under Section 7 of the

Act, initiated by the Gram Panchayat, Khojkipur-respondent No.3, is still pending before the Collector-cum-District Development and Panchayat Officer, Jalandhar and therefore, a direction is issued to Collector-cum-District Development and Panchayat Officer, Jalandhar to consider and decide the application dated 22.01.2021 (Annexure P-4) which has been preferred by the petitioners on the said date and decide the same by passing a speaking order.

It is made clear that any observations made by us in the above order shall not be taken as an opinion or expression on the merits of the case before the Courts below.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 6th, 2021
ps-I

(SANDEEP MOUDGIL)
JUDGE

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