

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

202

CWP-11157-2021 (O&M)

Date of decision: 05.07.2021

GRAM PANCHAYAT DHANI RAM NAGAR THROUGH ITS  
SARPANCH ...Petitioner

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present : Mr. RS Sekhon, Advocate for the petitioner.  
Ms. Kanica Sachdeva, AAG, Punjab.  
None for respondent No.4.

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**ANIL KSHETARPAL, J. (Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The counsel representing respondent No.4 is not present although, he had accepted the notice on 29.06.2021.

Through this writ petition, the petitioner-Gram Panchayat of Village Dhani Ram Nagar assails the correctness of the order passed by the learned Additional Chief Secretary, Village Development and Panchayat Department, Punjab, on 10.06.2021, reversing the order passed by the Divisional Deputy Director, Village Development and Panchayat, Ferozepur, on 09.03.2021, partitioning the land between two newly created Gram Panchayats.

contended that the learned Additional Chief Secretary has set aside the order passed by the Divisional Deputy Director, Ferozepur, without granting an opportunity of hearing or notice to the petitioner-Gram Panchayat.

A short reply to the writ petition has been filed, which is taken on record.

At the time of hearing, Ms. Kanica Sachdeva, AAG, Punjab, on instructions from Sh. Joharinder S. Ahluwalia, Law Officer, Department of Rural Development and Panchayats, Punjab, admits that the Gram Panchayat was not given any advance notice or opportunity of hearing before passing the impugned order.

Keeping in view the aforesaid facts, it is found that the order passed by the learned Additional Chief Secretary is without complying with the due procedure of law. Once there is an order of the Divisional Deputy Director, Ferozepur, partitioning the land, the same could not be set aside without notice and granting opportunity of hearing to the parties concerned. This is the minimum which is expected from quasi judicial authority. Keeping in view the aforesaid facts, the order dated 10.06.2021 is set aside. The parties through their counsel are directed to appear before the learned Additional Chief Secretary, Village Development and Panchayat Department, Punjab, on 20.07.2021. It is expected that the learned Additional Chief Secretary would pass a fresh order in accordance with law and after granting

an opportunity of hearing to all the concerned authorities. Needless to observe that a fresh order would be passed without being affected by the previous order passed on 10.06.2021.

All the pending miscellaneous applications, if any, are also disposed of.

05.07.2021  
ashok

(ANIL KSHETARPAL)  
JUDGE

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