

113 RA-LP-16-2021 IN LPA-590-2021 IN CWP-7630-2021
HARINDER SINGH
VS
FINANCIAL COMMISSIONER, RURAL DEVELOPMENT AND
PANCHAYAT DEPARTMENT GOVERNMENT OF PUNJAB AND
OTHERS

(Proceedings through Video Conferencing)

Present : Mr.Sunil Chadha, Senior Advocate with
Mr.Akshay Chadha, Advocate
for the applicant-appellant.

Prayer in this application is for review of the order passed by this Court on 19.07.2021 on the limited extent with regard to an observation made by us in para 6 of the said order wherein it has been observed as follows:-

“Hence there is no reason to discard the demarcation reports. The second demarcation was done on the direction of the writ court and was conducted in the presence of the appellant with the help of advanced technology i.e. D.G.P.S. and the said report (Annexure P-21) shows that the appellant had submitted the objections, which were appended along with the demarcation report dated 1.3.2021.”

Learned senior counsel for the applicant-appellant asserts that in the light of the above observation, the Director, who is seized of the matter, would have no option but to proceed on the said observation leaving the applicant-appellant with no remedy virtually as the issue would be finally deemed to have settled.

We have considered the submissions of learned senior counsel for the applicant-appellant and deem it appropriate to clarify here that the said observations were limited to the extent of disposal of the said aspect and neither it was intended nor it will give a firm finding in this regard, this,

we say in the light of the subsequent observation which we have made in para 6 itself followed by para 7. We have ourselves said that the matter is sub judice before the Director and the power to accept or to reject the said demarcation report is very much with the said authority.

In view of the above observation of ours, the apprehension of the applicant-appellant should not survive and it is again at the cost of repetition mentioned that we have not given any firm finding with regard to the appellant being in illegal possession of the land as it has been left open to the Director to determine the said fact.

The review petition stands disposed of with the above observation.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

August 02, 2021

Davinder Kumar