

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23773-2022 (O&M)

Date of Decision: 22.11.2022

MAHANT SINGH

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Sumeet Jain, Advocate for the petitioner.

Mr. K.S. Kang, Senior D.A.G. Punjab,
for respondents no.1 to 3 and 5.

Mr. C.L. Premy, Advocate for respondents no.6 to 8.

LISA GILL, J.

Prayer in this writ petition is for quashing of impugned order dated 10.10.2022 (Annexure P-1), passed by the Commissioner, Panchayat Land, SAS Nagar and Rupnagar, whereby application seeking interim relief filed by the petitioner during pendency of his appeal under Section 11(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the '1961 Act'), has been dismissed.

Learned counsel for the petitioner submits that petitioner filed an appeal under Section 11(2) of the 1961 Act, challenging order dated 25.01.2022 (Annexure P-21), passed by Additional Deputy Commissioner (Rural Development) SAS Nagar-cum-Collector, Panchayat Land, SAS Nagar whereby petition under Section 11 of the 1961 Act for declaring Gram Panchayat as owner of the land/passage in question was allowed, besides Communication dated 12.09.2022 (Annexure P-2), issued by respondent no.3-BDPO, Kharar, Tehsil and District Mohali directing removal of encroachment by the petitioner.

It is contended that the Commissioner, Panchayat Land, SAS Nagar & Rupnagar has dismissed petitioner's application for interim relief by way of a completely non-speaking order, which reflects total non-application of mind. None of the contentions raised on behalf of the petitioner, it is stated were even referred to much less considered. Learned counsel for the petitioner further submits that order dated 25.01.2022 has been incorrectly passed on a petition filed by respondents Varinder Kumar, Roshan Singh and Gurmit Singh under Section 11 of the 1961 Act. The Gram Panchayat, it is further submitted has in fact taken a stand that the land in question belong to Jita Singh i.e. father of the present petitioner. The land in question is stated to be situated within the *Abadi Deh*. It is prayed that status quo regarding possession be directed to be maintained pending adjudication of petitioner's appeal which would otherwise be rendered infructuous.

Heard learned counsel for the parties.

Passing of order dated 25.01.2022 and filing of appeal by the petitioner challenging the same is a matter of record. Petitioner's application for interim relief was dismissed by the Commissioner, Panchayat Land, SAS Nagar & Rupnagar, while passing the following order on 10.10.2022:-

“The case was listed today on 10.10.2022. Learned counsel for both parties are present. Upon hearing learned counsel for the parties, the stay application is hereby dismissed. Case be presented on dated 18.10.2022.”

Learned counsel for the respondents are unable to deny that the abovesaid order is definitely laconic and totally non-speaking without any advertence to the arguments raised by the parties. It is a settled position that a quasi judicial authority must record reasons to support its orders.

Learned counsel for respondents no.6 to 8 fairly states that status quo regarding possession as on today may be directed to be maintained, during pendency of the appeal however, with a direction to the Commissioner, Panchayat Land, SAS Nagar & Rupnagar, to decide the pending appeal in a time bound manner.

We find this submission to be extremely fair. Accordingly, order dated 10.10.2022 (Annexure P-1), passed by the Commissioner, Panchayat Land, SAS Nagar & Rupnagar, is set aside. Status quo regarding possession as on today regarding land in question be maintained during pendency of the appeal, which be decided by the Commissioner, Panchayat Land, SAS Nagar & Rupnagar, in accordance with law, within a period of three months from receipt of certified copy of this order, after affording due opportunity to all concerned.

Writ petition is accordingly disposed of in the aforesaid terms.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

22.11.2022

Sunil

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