

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 735 of 2023
Date of Decision: 13.1.2023

Amrik Singh and others

.....Petitioners

Versus

Gram Panchayat, Duttal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.

1. The writ petitioners have suffered an adverse decision from the learned Collector concerned, on a petition instituted before him, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961.

2. A perusal of the order made by the Collector concerned, and, which is carried in Annexure P-9, discloses that since the petitioners had made encroachments upon the land, meant only for the common user of the village proprietary body. Therefore, the construction, if any, as became raised thereons by the petitioners, is ordered to be removed.

3. However, the aggrieved petitioner instituted a statutory appeal before the competent authority in the year 2012, but the learned counsel for the petitioners submit, that the said appeal was dismissed in default in the year 2012. He against submits, that the application for restoration of the appeal to its original number was moved by the petitioners on 13.7.2012.

However, he further submits, that the office of the learned appellate

authority concerned, has intimated them, that no such application for ensuring the restoration of the appeal to its original number, after the order dismissing the same for default being set aside, and, quashed by the learned appellate authority concerned, rather is existing on records of the appeal concerned.

4. If the above intimation is correct, yet if there is a gross delay since the order of dismissal for default being made by the appellate authority, on the statutory appeal preferred before it, in the year 2012, and, in the apposite application for restoration being filed, thereupon, it is yet open to the petitioners to ensure the restoration of the said statutory appeal, through an appropriate application being made before the appellate authority concerned. The said application, if not on record, be promptly instituted, accompanied by an application seeking condonation of the apposite delay, and, the said application shall be promptly decided, in accordance with law.

5. In the wake of the above, the instant petition does not survive, and, is disposed of as such, but with the above directions.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 13, 2023
Gurpreet

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