

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**CWP-2518-2021**

**Date of Decision : 28.11.2023**

**SANDEEP**

.....Petitioner

Versus

**DISTRICT COLLECTOR GURUGRAM AND OTHERS ....Respondents**

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Anil Dutt, Advocate  
for Mr. S.P.Chahar, Advocate  
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with  
Mr. Saurabh Mago, DAG, Haryana.

Mr. Varun Suman, Advocate for  
Mr. Gopal Sharma, Advocate  
for respondents No. 3(a) to 3(e) and 3(g).

Mr. Jagdish Manchanda, Advocate  
for respondents No. 4 and 5.

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**SURESHWAR THAKUR, J. (Oral)**

1. Written replies respectively on behalf of respondents No. 3(b) 3(c) and respondent No. 5 have been filed today, which are taken on record.

2. The counsels appearing for the contesting litigants before this Court are ad idem that the demarcation report, whereons, became based the impugned orders of eviction, did never became proven in accordance with law, inasmuch as, by its author stepping into the witness box and

thereafters his becoming cross-examined by the affected litigant.

3. They are also ad idem that thereby the impugned orders of eviction be quashed and set aside and the *lis* be remanded to the Assistant Collector concerned, so that, after his calling for a fresh demarcation report, and after his ensuring that it becomes proven in accordance with law, by its author, through his stepping into the witness box, thereby a fresh order of eviction, if deemed fit, thus is made, vis-a-vis the disputed lands.
4. In the wake of the above, this Court accepts the present petition and after quashing the impugned order, remands the *lis* to the Assistant Collector concerned, who shall after calling for a fresh demarcation report from the empowered revenue officer concerned, shall proceed to ensure its becoming proven in accordance with law, and thereafter in terms of the said demarcation report, he may proceed to pass an order of eviction vis-a-vis the encroachers upon the disputed lands.
5. The remanded *lis* be restored to its original number. The learned Remandee Court, after receiving the *lis* on remand, shall make lawful order thereons, but only after giving an opportunity of hearing to all affected concerned. The decision, on remand by the Remandee Court shall be positively made within a period of four months from today.
6. Disposed of alongwith all pending applications, if any.

(SURESHWAR THAKUR)  
JUDGE

(SUDEEPTI SHARMA)  
JUDGE

28.11.2023

kavneet singh