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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.

CWP-3243-2020 (O & M)  
Date of Decision : 23.03.2023

RAM BHAGAT

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

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

Present : Mr. Sumit Sangwan, Advocate  
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Jitender Dhanda, Advocate  
for respondent No. 6.

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

1. One Ram Bhagat instituted an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. In the said application, he impleaded one Mahender Singh, and, Gram Panchayat Kungar as party respondents. On the said application, the learned Assistant Collector First Grade, Bhiwani, through a decision made on 20.12.2011, proceeded to allow the said application.

2. The learned counsel appearing for the contesting litigants fairly submit before this Court, that the statutory appeal which was to be filed thereagainst hence before the competent appellate authority but was filed after more than five years elapsing, since the above decision being recorded by the Assistant Collector First Grade, Bhiwani.

3. As disclosed by Annexure P-4, which is an order made by the appellate authority concerned, the said statutory appeal became concluded

to be grossly time barred, besides an observation occurs therein that for maintaining the appeal before the learned appellate authority concerned, certain cuttings were made on the statutory appeal, in respect of the presentation of the appeal before the competent appellate authority concerned.

4.           The above made order was challenged before the learned Revisional Court. The learned Revisional Court, merely on the ground, that the learned Collector concerned, did not yet delve, into the merits of the case, rather proceeded to quash and set aside the orders, as made by the Collector concerned. The said order of the learned Revisional Court becomes embodied in Annexure P-5. However, interestingly the learned Revisional Court concerned, failed to either delve into, besides also failed to pronounce about the validity of the reasons assigned by the learned Collector concerned, in concluding that the statutory appeal, as embodied in Annexure P-4, was grossly time barred, and, that no worthy explanation emanated from the appellant to gain the said relief of it being condoned.

5.           Therefore, and, also when the Collector concerned, had recorded an observation that for saving the period of limitation, there were cuttings on the statutory appeal, inasmuch as, the date of presentation of appeal being tampered with. However, even the above aspect remained undealt with by the learned Revisional Court concerned.

6.           In consequence, this Court for the reasons (supra), finds merit in the petition, and, the same is allowed.

7.           In aftermath, the order made by the learned Collector concerned, as embodied in Annexure P-4 is upheld, and, the order made by the learned Revisional Court, as embodied in Annexure P-5 is quashed

and set aside.

8. Since the main case itself has been decided, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)  
JUDGE

23.03.2023

kavneet singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(KULDEEP TIWARI)  
JUDGE