

2023:PHHC:121628-DB

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CWP-5640-2023
Date of Decision : **September 12, 2023**

SATPAL AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Shivandra Swaroop, DAG, Haryana.

Ms. Kamlesh Kaur, Advocate for
Mr. Parminder Singh, Advocate
for respondent No.4.

Mr. Sanjiv Gupta, Advocate
for respondent No.5.

SURESHWAR THAKUR. J.(Oral)

1. The learned counsel appearing for the litigants are *ad-idem* that the demarcation report which became relied upon by both the authorities below in theirs making concurrent verdicts of eviction against the present petitioners, was not proven in accordance with law, thus by author of the said demarcation report, through his stepping into witness box. Therefore, they are also further *ad-idem* that thereby this Court may proceed to quash the impugned order dated 11.1.2023 (Annexure P-7) and order dated 16.4.2021 (Annexure P-5). The above *ad-idem* made statement before this Court is accepted. Consequently, the writ petition is

allowed and the impugned Annexures (Supra) are quashed and set-aside.

CWP-5640-2023

-2-

The *lis* is remanded to the learned Assistant Collector concerned, to after restoring the *lis* to its original number to ensure that before he proceeds to make a fresh lawful decision thereon, he shall ensure the conducting of the valid demarcation of the site concerned by an empowered revenue Officer concerned, not below the rank of Assistant Collector concerned. The demarcation report shall be ensured to be tendered into evidence by its author, and, thereafter any aggrieved therefrom, shall be permitted to make cross-examination, upon, the author of the demarcation report.

2. The decision afresh on the remanded *lis* is directed to be made positively within six months from today but after hearing all affected persons.

3. The parties are directed to appear before the learned Assistant Collector concerned, on 21.9.2023.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 12, 2023
ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No