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

CWP-11173-2021

Date of decision:25.05.2023

GURMINDER SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Anirudh Gupta, Advocate
for the petitioners.

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

Mr. Vikas Mehsempuri, Advocate
for respondent No.3.

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel appearing for respondent No.3 is at *ad idem* with the learned counsel for the petitioners, that the learned Appellate Authority in its making Annexure P-7, whereby it has ordered for the remand of the *lis*, to the learned Collector concerned, rather has not assigned any cogent, and, valid reasons for thus dis-affirming the verdict, as enclosed in Annexure P-4, as became initially recorded by the learned Collector concerned.

2. Since there was an imperative necessity, upon the learned Appellate Authority concerned, to assign good, and, sound reasons rather for rejecting the attribution of credence to the pre 1950 jamabandis, wherein, the predecessors in interest of the petitioners, are reflected to be holding independent cultivating possession over the lands prior to 1950. Though, thereby they were entitled to save the disputed lands from their vestment in the Panchayat Deh. Therefore,

unless there was a valid reason, that such documentary evidence, was inadmissible for want of adduction before the learned Collector concerned, of original thereof or certified copies thereof. Thereupon the order of remand, as made by the learned Appellate Authority to the learned Collector concerned, was to be concluded to be a well informed order of remand. However, a perusal of the verdict, made by the learned Appellate Authority concerned, on the apposite statutory appeal whereby it has made an order of remand to the learned Collector concerned, rather does not disclose such reasons.

3. Therefore, after accepting the appeal, the order made by the learned Appellate Authority, as enclosed in Annexure P-7, is quashed, and, set aside, but with a direction to him to make a firm cogent reasons either for accepting or rejecting the documentary evidence (supra), as adduced by the plaintiffs-petitioners herein for theirs thus seeking to save the disputed lands, from their vestment in the Panchayat Deh concerned. The statutory appeal is ordered to be restored to its original number, and, a decision on merits be drawn thereons, but positively within 3 months from today, but after hearing all affected persons.

(SURESHWAR THAKUR)
JUDGE

25.05.2023

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(KULDEEP TIWARI)
JUDGE

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