

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

1 CWP-12118-2020
Date of Decision : February 13, 2023

RESHAM SINGH AND ANRPetitioners
VERSUS
STATE OF PUNJAB AND ORSRespondents

2 CWP-12929-2020

RESHAM SINGHPetitioner
VERSUS
STATE OF PUNJAB AND ORSRespondents

3. CWP-6969-2021

GURBHEJ SINGH & ANRPetitioners
VERSUS
STATE OF PUNJAB & ORSRespondents

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

Present : Mr. Raj Kumar Kakkar, Advocate
for the petitioner(s) in CWP-12118-2020 & CWP-12929-2020.
Mr. N.S.Wahniwal, Advocate
for the petitioners in CWP-6969-2021.
Mr. Maninder Singh, DAG, Punjab.
Mr. R.K.Girdhar, Advocate for respondent No.4.

SURESHWAR THAKUR. J.(Oral)

1. This order shall dispose of two cases i.e. CWPs-12118-2020 and 12929-2020, as common question of law and facts are involved therein, whereas, CWP-6969-2021 is adjourned.

2. Learned State counsel intimates this Court, that though separate petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as ('the Act'), were constituted against different encroachers concerned, who allegedly made encroachments on separate tracts of lands, and, also he further submits that each of the said petitions were decided by separate orders. Moreover, he further submits that all the aggrieved, from the separate orders, as, passed on each of the separate petitions filed under Section 7 of the Act, did file separate statutory appeals before the Appellate

Authority concerned, but he yet submits that on each of the said statutory appeals, separate decisions but after considering the facts of each of the statutory appeals, and, after appraising the evidence of each of the separate appeals, rather separately recorded decisions were required to be made thereon. However, the learned State counsel intimates, that the above has not been done, except qua appeal No. 99 of 2017. Therefore, the writ petition bearing No.6969 of 2021 is maintained in the dockets of this Court, and, the pleadings in the said petition be completed within three weeks, and, on the subsequent date, the learned State Counsel is directed to ensure that the official concerned, is present in the Court alongwith all the relevant records.

3. However, in so far as the other appeals are concerned, they are ingrained with the above infirmity, therefore, all the orders passed in the appeals other than the above appeal are quashed and set-aside. The said appeals are ordered to be remanded to the learned Appellate Authority concerned, who shall after restoring them, to their respective original numbers concerned, shall redraw a fresh decision in accordance with law, on each of the separate appeals, and, or shall draw separate decision on each of the above respective statutory appeals concerned.

4. Writ Petition Nos. CWP-12118-2020 and 12929-2020 are disposed of accordingly, whereas, writ petition No. 6969-2021, be listed on 1.5.2023.

5. The separate decisions on the statutory appeals concerned, shall be made by the authority concerned positively within three months from today but after hearing all affected concerned.

6. A photocopy of this order be placed on the files of each connected case.

(SURESHWAR THAKUR)
JUDGE

February 13, 2023
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(KULDEEP TIWARI)
JUDGE

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