

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

218 (i) CWP-12496-2017
Date of Decision : January 10, 2023

GRAM PANCHAYAT VILL. SAIFFALPUR -Petitioner

V/S

DIRECTOR RURAL DEVELOPMENT & ORS. -Respondents

(ii) CWP-12724-2017

GRAM PANCHAYAT VILL. SAIFFALPUR -Petitioner

V/S

DIRECTOR RURAL DEVELOPMENT & ORS. -Respondents

(iii) CWP-3950-2018

GRAM PANCHAYAT VILL. SAIFFALPUR -Petitioner

V/S

DIRECTOR RURAL DEVELOPMENT & ORS. -Respondents

(iv) CWP-3982-2018

GRAM PANCHAYAT GRAM SABHA SAIFFALPUR -Petitioner

V/S

DIRECTOR RURAL DEVELOPMENT & ORS. -Respondents

(v) CWP-4108-2018

GRAM PANCHAYAT GRAM SABHA SAIFFALPUR -Petitioner

V/S

DIRECTOR RURAL DEVELOPMENT & ORS. -Respondents

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

Present: Mr. Hardip Singh, Advocate
for the petitioner(s) in all writ petitions.

Mr. Paramjit Batta, Addl. A.G., Punjab.

Mr. Swarn Tiwana, Advocate
for the private respondents in CWP-3950-2018,

CWP-3982-2018 and CWP-4108-2018.

Mr. G.S. Dhillon, Advocate
for the respondent No.3 in CWP-12724-2017.

Mr. G.S. Nagra, Advocate
for the respondent Nos.3 and 4 in CWP-12496-2017.

SURESHWAR THAKUR, J.(ORAL)

1. Learned counsels appearing for all the contesting litigants jointly submit before this Court that all the writ petitions require the makings of a common adjudication thereon, as all, arise from a common verdict recorded by the authorities below.

2. Moreover, be that as it may, since the learned counsels appearing for the contesting litigants also submit before this Court, that in Civil Writ Petition No.4940 of 2015, titled as Gram Panchayat/Gram Sabha Village Saiffalpur Versus Director, Rural Development and others, this Court, on 14.12.2015, had after quashing and setting aside the orders impugned therein, rather, proceeded to make an order of remand upon the remandee court concerned. Thus, they further conjointly submit, that given the inter-se connectivity amongst all the writ petitions, an alike order of remand be passed in respect of all the writ petitions.

3. Since, the learned counsels appearing for the contesting litigants are, ad idem, in respect of this Court making an order of remand to the remandee court concerned, to enable it to make a fresh decision in accordance with law, upon the petitions concerned. Consequently, this Court, after accepting the writ petitions and after quashing and setting aside the impugned orders, is constrained to remit the apposite lis' to the learned Commissioner concerned, to make a fresh decision in accordance with law, upon the petitions concerned. The above be positively done within a period of 2 months from today.

4. The learned counsel appearing for the respondent Nos.3 and 4, in CWP-12496-2017, submit that on 14.12.2015, upon Civil Writ Petition No.4940 of 2015, this Court had made a direction upon the remandee court, to decide the petition afresh, within a period of 6 months, but, yet no decision, within the afore period of time, has been recorded by the remandee court concerned. The above inaction on the part of the authority concerned

tantamounts to it prima facie willfully breaching and disobeying the order of remand (supra) as made by this Court. Therefore, this Court is constrained to issue a show cause notice upon the authority concerned to explain the reasons, which prevailed upon him, to not make the promptest compliance to the orders (supra) as made by this Court.

5. Moreover, it is clarified that the remandee court concerned, shall not club all the appeals together, nor shall pass a common verdict thereon, but, shall pass separate decisions on each of the appeals concerned. The remandee court concerned may also, after framing all the issues, as arise from the pleadings, may proceed to irrespective of evidence thereon not being adduced before the Collector concerned, take evidence thereon, and, shall proceed to record findings in accordance with law on all the issues as become formulated by it, in consonance with the respective pleadings.

6. It is also clarified that till a fresh decision is made by the remandee court upon the apposite appeals, thereupto, the parties shall continue to maintain status quo in respect of the petition land(s).

7. Disposed off accordingly.

8. The Registry is directed to prepare a separate file in respect of the show cause notice, as is issued upon the authority concerned, for its prima facie wilfully and intentionally breaching the order of remand (supra) as made earlier by this Court.

**(SURESHWAR THAKUR)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

January 10, 2023
devinder

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No