

2023:PHHC:118681-DB

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

204

CWP-13463-2017
Date of Decision : **September 11, 2023**

GURCHARAN 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. Vinod Bhardwaj, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. H.S.Dhandi, Advocate
for respondent No.7.

SURESHWAR THAKUR. J.(Oral)

1. The learned counsel appearing for the litigants are *ad-idem* that through the facts on the file No.3 decided on 24.2.2015 were completely different from the facts on the files No. 11 and 15, thus decided on 24.2.2015. Therefore, given the inter-se contra distinctivity(s) of facts in the above cases, thereupon a statutory obligation became cast upon both the statutory authorities below, to make separate decisions, on each of the separate missals, and, also, upon, the apposite statutory appeals. However, the decision made on missal(s) No. 11 and 15, has been made the plank for the decision being made on missal No.3 of 2.1.2015. Consequently, the above has resulted in a gross and substantial miscarriage of justice. Resultantly, the above is required to be undone.

2. Therefore, as the counsel for the litigants appearing before this Court are *ad-idem*, that this Court may quash the impugned order dated 24.2.2015 (Annexure P-8) and order dated 20.10.2016 (Annexure P-15). Therefore, this Court does so accordingly, and, the instant writ petition is allowed. However, the *lis* is remanded to the learned Collector concerned, to after restoring the same to its original number, to pass a fresh lawful decision thereon, but after hearing all the affected persons concerned. The above be positively done within three months from today.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 11, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No