

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CWP-14283-2023 (O&M)
Date of Decision: 12.12.2023

Abhe Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioners.

Mr. P.P. Chahar, Addl. A.G., Haryana.

Mr. Manoj Kaushik, Advocate
for respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

CM-15430-CWP-2023

Application is allowed as prayed for. Reply filed on behalf of
respondent No.5 is taken on record.

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1. Learned counsels appearing for all the contesting litigants are
ad idem that the demarcation report, whereons, reliance became placed by
the statutory authorities below, rather *prima facie* was not amenable for any

valid reliance being made thereons, as, the same became neither tendered into evidence nor became lawfully proved, thus, through its author stepping into the witness-box.

2. Furthermore, the learned counsels are also *ad idem*, that thereby after accepting the writ petition challenging the impugned Annexures, besides, after quashing the impugned Annexures, this Court may proceed to make an order of remand of *lis*, to the Assistant Collector concerned, so as to ensure that after his making restoration of the *lis* to its original number, that subsequently he proceeds to make a fresh decision in accordance with law, upon the relevant *lis*. In consequence, after accepting the above *ad idem* statement made in the bar by learned counsel for the contesting litigants, this Court proceeds to after accepting the instant writ petition, thus, annul the impugned Annexures. Moreover, this Court also remands the *lis* to the learned Assistant Collector, concerned to ensure, that he summons the author of the demarcation report Annexure P-1, so that thereby, the same becomes tendered, besides becomes proven in accordance with law. In addition, the learned Assistant Collector concerned, shall also grant an opportunity to the aggrieved therefrom to make cross-examinations, upon, the author of Annexure P-1.

3. Lastly, in case, the learned Assistant Collector concerned, deems it fit and appropriate, yet to make a fresh demarcation of the disputed sites, he may order for such a fresh demarcation being made by lawfully empowered Revenue Officer, concerned. Moreover, the Assistant Collector concerned, shall also ensure that the author of the freshly made demarcation

report of the disputed sites, thus steps into the witness-box and proves the same, besides shall as stated supra shall grant an opportunity to the aggrieved therefrom to make cross-examination upon him.

4. In view of the above observations and directions, the instant writ petition is disposed off, and Assistant Collector concerned is directed to make a valid speaking decision on the remanded *lis* but, thus within four months from today, but after hearing all affected persons to the *lis*.

5. All pending applications, if any, stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

12.12.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No