

2023:PHHC:120492-DB

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

223+109

CWP-12582-2018(O&M)
Date of Decision : September 13, 2023

RAJ KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

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

Present : Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ram Pal Verma, Advocate
for respondent No.6.

Mr. Radhe Shyam Sharma, Advocate
for respondent No.7.

SURESHWAR THAKUR. J.(Oral)

1. The learned counsel appearing for the litigants are *ad-idem* that the demarcation report which became relied upon by the authorities below in theirs making concurrent verdicts of eviction against the present petitioner, was not proven in accordance with law, thus by the author of the said demarcation report, through his stepping into witness box. Therefore, they are also further *ad-idem* that thereby this Court may proceed to quash the impugned order dated 9.3.2017 (Annexure P-5), order dated 8.11.2016 (Annexure P-4) and order dated 14.6.2016 (Annexure P-3). The above *ad-idem* made statement before this Court is accepted. Consequently, the writ petition is allowed and the impugned

Annexures (Supra) are quashed and set-aside. The *lis* is remanded to the learned Assistant Collector concerned, to after restoring the *lis* to its original number, to ensure, that before he proceeds to make a fresh lawful decision thereon, he shall ensure the conducting of the valid demarcation of the site concerned, by an empowered revenue Officer concerned, not below the rank of Assistant Collector concerned. The demarcation report shall be ensured to be tendered into evidence by its author, and, thereafter any aggrieved therefrom, shall be permitted to make cross-examination, upon, the author of the demarcation report.

2. The decision afresh on the remanded *lis* is directed to be made positively within six months from today but after hearing all affected persons.

3. All the pending applications, if any, stand disposed of.

(SURESHWAR THAKUR)
JUDGE

September 13, 2023
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(KULDEEP TIWARI)
JUDGE

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