

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

210

CWP-6135-2015
Date of Decision : **March 02, 2023**

GIAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

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

Present: Mr. M.S.Dhami, Advocate for the petitioner.
Ms. Monika Jalota, Sr. DAG, Punjab.
Mr. Bhupinder Ghai, Advocate for respondents No.4 and 5.

SURESHWAR THAKUR. J.(Oral)

1. The present petitioner had earlier instituted CWP-1776-2010 before this Court, and, through an affirmative decision made thereon on 12.3.2012, this Court, but after quashing the order impugned in the said writ petition, had made an order of remand to the Director, Consolidation, to decide the a fresh *lis* but in accordance with law, and, within three months from the receipt of certified copy of the order drawn on the said date.

2. Though subsequently the remandee authority concerned, did re-enter into the exercise of making a fresh decision on the *lis* concerned. However, a perusal of paragraph No.5 of the order, as made by the learned remandee authority discloses, that though he was directed to make a lawful objective decision on the *lis* concerned, but the remandee authority has further delegated the *lis* for being decided by the Tehsildar concerned. The above further delegation, by the remandee authority of

the jurisdiction conferred solitary upon it by this Court to make an objective decision on the *lis*, does cause breach to the order (Supra). Reiteratedly when thereins a direction is made only upon the remandee authority concerned, and, to none other than the remandee authority, to make a fresh decision, in accordance with law upon the *lis* concerned. Therefore, the instant petition has merit. The impugned orders dated 1.8.2012 (Annexure P-5), and, order dated 4.2.2015 (Annexure P-6), respectively drawn by the Director, Land Records, Punjab, and, by District Revenue-cum-Consolidation Officer, SBS Nagar are set-aside. However, with a direction upon the Director, Land Records, Punjab to redraw a fresh decision upon the *lis* concerned, but after granting an opportunity of personal hearing to all the affected persons. The said decision shall be drawn positively within a period of four months from today.

3. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

March 02, 2023
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(KULDEEP TIWARI)
JUDGE

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