

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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Date of Decision : 27.04.2023

1. CWP-28092-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

2. CWP-28791-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

3. CWP-28794-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

4. CWP-28806-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

5. CWP-28807-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

6. CWP-28814-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

7. CWP-28816-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

8. CWP-28840-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

9. CWP-28870-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

10. CWP-28955-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

11. CWP-28957-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

12. CWP-28959-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

13. CWP-28976-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

14. CWP-29127-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

15. CWP-29472-2017

GRAM PANCHAYAT SIMBAL MAJRAPetitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

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

Present : Mr. Vikram Singh, Advocate
for the petitioners in all the cases.

Mr. Maninder Singh, DAG, Punjab.

Mr. Sanjeev Patiyal, Advocate
for respondent No.3 (in all the petitions) and
for respondent No.4 in CWPs No.28840, 28794, 28870,
29472, 28957, 28806, 28959, 28814 of 2017) and
for respondents No.5 and 6 (in CWPs No.28957, 28806,
28959, 28814 of 2017 and for respondent No.7 in
CWP No.28806-2017.

SURESHWAR THAKUR, J. (Oral)

1. The respondents herein, in the respective writ petitions, petitioners therein, filed separate petitions under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the PVCL Act'), before the Collector concerned. The said petitions were decided through a common order on 27.08.2015, by the Collector

concerned. The said order becomes appended as Annexure P-3, in all

the afore writ petitions, wherein the Collector concerned, passed a disaffirmative order, declaring the Gram Panchayat concerned, the petitioner herein, as owner of the disputed land.

3. The petitioner(s) concerned, in the petition under Section 11 of 'the PVCL Act', respondents herein, became aggrieved from the said common order, as became made by the learned Collector concerned, on all the separate petitions (supra), thus preferred separate statutory appeals, before the Competent Appellate Authority. The learned Appellate Authority through drawing Annexure P-4, as appended to all the afore writ petitions, rather made a decision, only upon appeal No. 06 of 2014, as became instituted before it, by the petitioner(s) concerned, respondents herein. Moreover, the decision made thereons, thus was also directed to govern the said separate statutory appeals. The apposite appeals' were accepted through a common order made on 02.02.2017.

4. Though there is a complete discussion by both the learned authorities below respectively qua the petition filed under 'the PVCL Act' bearing File No. 171/VCL, and, qua appeal No. 06 of 2016. However, the learned Collector concerned, as well as the learned Appellate Authority without referring to the facts of each of the separate petitions, and, to the facts of respectively thereagainst reared statutory appeals, and, also without referring to the evidence(s) adduced qua each of the separate cases, but merely on the basis of the facts, and, evidence led in a petition filed under 'the PVCL Act', bearing File No. 171/VCL, and, thereafter qua such facts, and, evidence appearing on file of appeal No. 06 of 2016, as became instituted before them, by the

concerned, hence concluded that the other statutory petitions and statutory appeals also, which rather became separately instituted before them, and which became assigned separate numbers, are also purportedly governed by the facts and evidence, as, being adduced in respect of the petition filed under 'the PVCL Act' bearing File No. 171/VCL, and, by appeal No. 06 of 2016. Resultantly all the petitions as well as the appeals were also decided through a common order, respectively by the learned Collector concerned, and, the learned Appellate Court concerned.

5. Be that as it may, both the statutory authorities below, were required to exercise valid jurisdiction upon each of the separate petitions, and, appeals, and, that would have occurred, only when the facts of each of the separate petitions and appeals were discussed, and, also when the evidence adduced in respect thereof, also became circumspectly deliberated upon, besides became incisively evaluated. However, the above has not happened. Contrarily, and, merely on the basis of the facts and evidence adduced in respect of petition filed under 'the PVCL Act' bearing File No. 171/VCL, and, appeal No. 06 of 2016, both the authorities below have made alike verdict(s) upon the other petitions/appeals. The above exercising(s) of jurisdiction, by both the authorities below, is a completely insagacious exercise, and/or, is exercised with a material irregularity, and, gross impropriety, besides is ridden with the vice of grossest non application of mind, and, is required to be undone, through this Court, setting aside the orders, passed by the learned Collector Concerned, and, by the learned Appellate Authority concerned, and, thereafter making an order of

remand, upon the, learned Collector concerned, to restore to their original numbers all the petitions (supra) cast under Section 11 of 'the Act', and, to thereafter in accordance with law, pass separate decision(s) upon each of the restored petitions (supra), as became preferred before it.

6. The learned Remandee Court, after receiving the lis on remand, shall make lawful order thereons, but only after giving an opportunity of hearing to all affected concerned. The decision, on remand by the Remandee Court shall positively be made within a period of six months from today.

7. Disposed of alongwith all pending applications, if any.

8. A photocopy of this order be placed on the files of other connected cases.

(SURESHWAR THAKUR)
JUDGE

27.04.2023

kavneet singh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No