

In the High Court of Punjab and Haryana at Chandigarh

1.

CWP No. 29107 of 2017
Date of Decision: 22.3.2023
- Gram Panchayat, Nalina Khurd

.....Petitioner
- Versus
- Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
2.

CWP No. 29160 of 2017
- Gram Panchayat, Nalina Khurd

.....Petitioner
- Versus
- Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
3.

CWP No. 5321 of 2018
- Gram Panchayat, Nalina Khurd

.....Petitioner
- Versus
- Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
4.

CWP No. 5336 of 2018
- Gram Panchayat, Nalina Khurd

.....Petitioner
- Versus
- Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
5.

CWP No. 5548 of 2018
- Gram Panchayat, Nalina Khurd

.....Petitioner
- Versus
- Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

6.

CWP No. 5627 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

7.

CWP No. 5704 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

8.

CWP No. 5722 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

9.

CWP No. 5728 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

10.

CWP No. 5841 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

11.

CWP No. 5846 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

12.

CWP No. 5984 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
13.

CWP No. 5992 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
14.

CWP No. 6580 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
15.

CWP No. 6581 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents
16.

CWP No. 7118 of 2018

Gram Panchayat, Nalina Khurd

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

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

Present: Mr. Vikram Singh, Advocate and
 Mr. Sukhjinder Singh, Advocate
 for the petitioner(s) (in all cases).

 Mr. Maninder Singh, Sr. DAG, Punjab.

 Mr. C.L.Premy, Advocate
 for respondents No. 10 and 11 (in CWP-6580-2018).

 Mr. Amit Gupta, Advocate
 for respondent No. 6 (in CWP-5992-2018).

 Mr. Brahamjot Singh Nahar, Advocate
 for respondent No. 3 (in CWP-5722-2018).

SURESHWAR THAKUR, J. (ORAL)

1. The respondent(s) concerned, herein, in all the afore mentioned writ petitions, filed separate petitions under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act'), before the Collector concerned. The said petitions, which become embodied in Annexure P-3 in all the writ petitions, became instituted on 14.10.2013.

2. The said petitions were decided through separate orders, on 19.6.2014, except CWP No. 5321 of 2018, which was decided on 13.1.2015, and, affirmative orders were passed on all the petitions (supra) by the Collector concerned.

3. However, the Gram Panchayat concerned, became aggrieved from the said separate orders, as became respectively 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-5, as appended to the all the writ petitions, rather made a decision, only upon appeal No. 55 of 2016, as became instituted before it, by the Gram Panchayat

concerned. Moreover, the decision made thereons, thus was also directed

to govern the said separate statutory appeals. The apposite appeals' were dismissed through a common order made on 17.2.2017.

4. Though there is a complete discussion by the learned Appellate Authority, in respect of appeal No. 55 of 2016. However, the learned Appellate Authority without referring to the facts of each of the separate appeals, and, also without referring to the evidence(s) adduced qua each of the separate appeals, but merely on the basis of the discussion, as, made in respect of appeal No. 55 of 2016, as became instituted before it, by Gram Panchayat concerned, hence concluded that the other appeals also which became separately instituted before it, and which became assigned separate appeal numbers, and, as arose from separate decision(s), as made by the learned Collector concerned, are also purportedly governed by the facts and evidence, as, adduced in respect of appeal No. 55 of 2016. Resultantly all the appeals were also dismissed by the learned Appellate Court.

5. Be that as it may, the learned Appellate Court was required to exercise valid jurisdiction upon each of the separate appeals, and, that could have occurred, only when the facts of each of the separate 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 appeal No. 55 of 2016, the learned Appellate Court has made an alike verdict of dismissal upon the other appeals. The above exercising(s) of jurisdiction, by the learned Appellate Authority, in respect of appeals other than appeal No. 55 of 2016, is a completely insagacious exercise, and/or, is exercised

vice of grossest non application of mind, and, is required to be undone, through this Court making an order of remand, upon the, learned Appellate Authority concerned, to restore to their original numbers all the statutory appeals, and, to thereafter in accordance with law, pass separate decision(s) upon each of the restored statutory appeals, as became preferred before it, by the aggrieved from the initial order(s), as made by the learned Collector concerned, in separate petition(s) cast under Section 11 of 'the Act'.

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. Moreover, the CWP as arises from appeal No. 55 of 2016 shall remain on the docket of this Court.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

March 22, 2023
Gurpreet

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