

In the High Court of Punjab and Haryana at Chandigarh

1.

CWP No. 4316 of 2017
Date of Decision: 27.3.2023
- Gram Panchayat, Dhaintal

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

.....Respondents
2.

CWP No. 4317 of 2017
- Gram Panchayat, Dhaintal

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

.....Respondents
3.

CWP No. 4318 of 2017
- Gram Panchayat, Dhaintal

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

.....Respondents
4.

CWP No. 4319 of 2017
- Gram Panchayat, Dhaintal

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

.....Respondents
5.

CWP No. 4320 of 2017
- Gram Panchayat, Dhaintal

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

.....Respondents

6.

CWP No. 4321 of 2017

Gram Panchayat, Dhaintal

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

7.

CWP No. 4322 of 2017

Gram Panchayat, Dhaintal

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

8.

CWP No. 4323 of 2017

Gram Panchayat, Dhaintal

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

9.

CWP No. 4324 of 2017

Gram Panchayat, Dhaintal

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

10.

CWP No. 4325 of 2017

Gram Panchayat, Dhaintal

.....Petitioner

Versus

Joint Development Commissioner (IRD),
Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Nakul Sharma, Advocate
for the petitioner(s) (in all cases).

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. S.S.Rangi, Advocate for respondent No. 2
(in CWP Nos. 4316 to 4320 and 4324 of 2017) and
for respondent Nos. 2-A and 2-B (in CWP Nos. 4321, 4322,
4323 and 4325 of 2017).

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-2 in all the writ petitions, became instituted on 2.12.2013.

2. The said petitions were decided through a common order, on 30.9.2014, and, to which Annexure P-2 is assigned, by the Collector concerned, whereby all the petitions (supra) became dismissed. The learned Collector concerned, through the drawing of Annexure P-2, as appended to all the writ petitions, rather made a decision, only upon File No. DDDP (11) Samana 253, as became instituted before it, by the respondent concerned. Moreover, the decision made thereons, thus was also directed to govern the other petitions filed under the Act, by the petitioners concerned.

3. The respondent(s) concerned, became aggrieved from the said order, as became made by the learned Collector concerned, on all the separate petitions (supra), thus preferred separate statutory appeals, before

through drawing Annexure P-3, as appended to the all the writ petitions, rather made a decision, only upon appeal No. 68-J of 2014, as became instituted before it, by the respondent concerned. Moreover, the decision made thereons, thus was also directed to govern the said separate statutory appeals. The apposite appeals' were allowed through a common order made on 4.2.2016.

4. Though there is a complete discussion by the learned Collector concerned, and, the learned Appellate Authority, respectively qua the petition filed under the Act bearing File No. DDDP (11) Samana 253, and, qua appeal No. 68-J of 2014. However, the learned Collector concerned, as well as the learned Appellate Authority without referring to the facts of each of the separate petitions, and, the 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 laid in a petition filed under the Act bearing File No. DDDP (11) Samana 253, and, thereafter qua such facts, and, evidence appearing on file appeal No. 68-J of 2014, as became instituted before them, by respondent 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, adduced in respect of the petition filed under the Act bearing File No. DDDP (11) Samana 253, and, appeal No. 68-J of 2014. 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.

required to exercise valid jurisdiction upon each of the separate petitions, and, appeals, and, that could 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 Act bearing File No. DDDP (11) Samana 253, and, appeal No. 68-J of 2014, 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, in respect of petition other than the petition filed under the Act bearing File No. DDDP (11) Samana 253, and, in respect of the appeals other than appeal No. 68-J of 2016, is a completely insagacious exercise, and/or, is exercised with a material irregularity, and, 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. Consequently, the order passed by the learned Collector concerned, and, by the learned Appellate Authority concerned, are quashed, and, set aside.

8. All the petitions (supra) are disposed of.

(SURESHWAR THAKUR)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

March 27, 2023
Gurpreet

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