

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-466-2017

Date of Decision : 09.08.2023

MUKESH KUMAR & ORS.

.....Petitioners

Versus

STATE OF HARYANA & OTHERS

....Respondents

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

Present : Mr. Vikram Singh, Advocate
for the petitioners.

Mr. P.P.Chahar, Sr. DAG, Haryana.

Mr. S.P.Chahar, Advocate
for respondent No. 5.

Mr. Amit Jain, Advocate
for respondent No. 6.

SURESHWAR THAKUR, J. (Oral)

1. The learned counsels appearing for the respondents concerned, in the instant writ petition, do not have any objection, that after quashing of the impugned orders, this Court may proceed to make an order of remand to the learned Assistant Collector concerned. However, they submit that the latter would ensure that a valid demarcation of the suit lands is conducted by the empowered demarcating officer concerned, especially when the learned counsel for the petitioners, has made a statement before this Court, that the demarcation report was never tendered into evidence by its author nor thus it became lawfully proved, and that too, after obviously not affording an opportunity to cross examine the author of the demarcation report.

2. This Court appreciates the above fair submissions addressed before this Court by the counsels appearing for the respondents concerned.

3. The learned counsel for the petitioners submits that he has no objection against this Court accepting the above fair submissions, as, addressed by the counsels for the respondents.
4. Consequently, after quashing the impugned orders, Annexures P-5, P-4, P-3, as, respectively drawn by the Commissioner, Gurgaon, District Collector, Gurgaon and the Assistant Collector 1st Grade, Gurgaon, the matter is remanded to the learned Assistant Collector concerned, who shall ensure that a fresh demarcation of the suit lands, thus becomes conducted by the empowered revenue officer concerned, and, shall thereafter, in accordance with law, make a fresh lawful speaking decision upon the *lis* concerned.
5. The above shall be positively done within four months from today but after an opportunity of hearing being granted to all affected persons concerned.
6. Disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

09.08.2023

kavneet singh

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