

CWP-18238-2023

2023:PHHC:108397-DB

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

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CWP-18238-2023

Date of Decision : August 21, 2023

SANT DARSHAN SINGH

....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: Ms. G.K.Mann, Sr. Advocate assisted by
Ms. Komal Balian, Advocate,
Mr. Gaurav Chopra, Sr. Advocate assisted by
Mr. Anurag Chopra, Advocate and
Mr. Vaibhav Sehgal, Advocate
for the petitioner.
Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR. J.(Oral)

1. The present petitioner was impleaded as a respondent in File No. DDDP(11) Doraha-166. The said case became instituted by the Gram Panchayat, Maksudra Tehsil Payal, District Ludhiana with a claim for a declaratory relief being granted in respect of the suit land.
2. Through a decision made thereons on 10.12.1999 (Annexure P-1), the learned Collector concerned, declined to the plaintiff (Supra) the espoused declaratory relief qua the suit land.
3. The learned Collector concerned, declined the espoused relief to the plaintiff on the ground that the said case is not maintainable. Consequently, the case (Supra) was dismissed vide order dated 10.12.2019 (Annexure P-1) rendered by the learned Collector concerned.
4. The above brought grievance to the plaintiff in the case (Supra), thus leading them to institute thereagainst a statutory appeal

No.107 of 2020, before the statutory competent authority concerned.

5. Be that as it may, the relief asked for in the instant writ petition relates to an injunction being passed against the competent authority to refrain from making a valid decision upon the statutory appeal (Supra), besides a relief is also asked qua the above statutory appeal being ordered to become taken out from the docket of the competent authority concerned, and the same being assigned to some other appellate authority concerned.

6. The learned State counsel on instructions being imparted to her by the official concerned, submits that the *lis* is listed tomorrow before the competent appellate authority concerned, for its pronouncing a verdict on the statutory appeal (Supra).

7. Therefore, in the face of the above, the above asked for relief cannot be granted to the present petitioner, especially when there is no averred active *malafide* which as such, could actuate this Court to exercise its writ jurisdiction, thus to grant the above relief to the present petitioner. In addition this Court also does not deem it fit and appropriate to restrain the appellate Authority concerned, from its making a valid speaking decision upon the statutory appeal (Supra), as, thereby this Court would usurp the jurisdiction of the competent statutory appellate authority concerned, especially when it alone enjoys the able jurisdiction to make a valid decision upon the appeal (Supra).

8. It appears that the grievance(s), if any, which have led the petitioner to access this Court is hinged upon the factum that no

opportunity for hearing, thus became afforded to the litigants concerned. If so, the above grievance can be mitigated, thus even without the above relief becoming granted to the petitioner, inasmuch as, through a mandamus being made upon the competent authority to defer to record, a verdict, upon, the statutory appeal (Supra), and, to before making a valid decision upon the statutory appeal (Supra), to grant an adequate opportunity of hearing to all the litigants concerned.

9. Permission be also granted by the competent authority concerned, to ensure the submission before it of written submissions, if any, which may be proposed to be so tendered, so as to facilitate it to make a valid decision upon the statutory appeal (Supra).

10. However, it is expected from the counsel for the litigants concerned, to not ask for any unnecessary adjournments for hearing being done by the competent authority upon the appeal (Supra). The decision upon the statutory appeal (Supra) be ensured to be definitely made preferably within three months from today.

11. Disposed of.

(SURESHWAR THAKUR)
JUDGE

August 21, 2023
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(KULDEEP TIWARI)
JUDGE

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