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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19223-2023

Date of decision:01.09.2023

GURDEV SINGH (SINCE DECEASED) THROUGH HIS LRS AND
OTHERS

...Petitioner

Versus

JOINT DEVELOPMENT COMMISSIONER (I.R.D.) RURAL
DEVELOPMENT AND PANCHAYAT DEPARTMENT AND OTHERS

...Respondents

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

Present: Mr. Rai Singh Chauhan, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel appearing for the litigants are *ad-idem* that this Court may proceed to, in terms of the order drawn by this Court on 22.08.2023, upon CWP-18310-2023, make an order as made therein.

2. Consequently, the petition is allowed and the impugned order Annexure P-8 is quashed and set aside. The appellate authority concerned, is directed to restore the said application and the appeal(s) to their respective original number(s), and, it is further directed that after inviting a response on the application for condonation of delay from the Gram Panchayat concerned, to thereafter strike issues, and to subsequently permit the aggrieved litigant(s) concerned, to adduce evidence thereons.

Subsequently, a valid decision, in accordance with law, shall be made on the

said condonation of delay application. If the condonation of delay application is allowed, subsequently the appellate authority concerned, shall proceed to make a speaking decision, in accordance with law, upon, the apposite statutory appeal.

3. The entire exercises (supra), are directed be ensured to be completed within six months from today but after hearing all affected persons concerned.

4. Till the order of this Court is transmitted or received by the competent appellate authority concerned, thereupto the warrants of possession, as became issued in respect of the petitioners' estates shall not be enforced. However, the aggrieved litigant(s) concerned, may on notice of the application or on notice of the appeal being served upon them, thus may prefer to file an application seeking stay of enforcement of warrants of possession, and, on such an application, valid orders be passed by the appellate authority concerned.

**(SURESHWAR THAKUR)
JUDGE**

01.09.2023

Ithlesh

**(KULDEEP TIWARI)
JUDGE**

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