

CWP-25731-2023

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2023:PHHC:146837-DB

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-25731-2023

Date of decision:20.11.2023

ROSHAN LAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sumit Sangwan, Advocate  
for the petitioner.

Mr. Ankur Mittal, Addl. AG Haryana with  
Mr. Saurabh Mago, DAG, Haryana.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Learned counsel appearing for the petitioner as well as the learned State counsel are *ad idem* that the demarcation reports, in pursuance whereof the concurrently made verdicts of eviction become rendered by the statutory Authorities below, rather were not proven in accordance with law. Therefore, they are further *ad idem*, that since only on valid proof emanating but from a validly conducted demarcation, and, a subsequent thereto evidently proven report, becoming drawn, thus by the empowered Revenue Officer concerned, that thereby the concurrently made verdicts of eviction, as became rendered against the present petitioner, thus would be construed to be lawful. Therefore, they submit that to undo the above infirmity, this Court may proceed to, after the quashing of the impugned orders, thus make an order of remand, upon the Assistant Collector

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2. In view of the above *ad idem* statement made, at the bar by the learned counsel for the petitioner as well as by the learned State counsel, this Court proceeds to, after allowing the instant petition, quash the impugned order, and, also thereafter proceeds to remand the lis, to the learned Assistant Collector concerned, who shall after restoring the same to its original number, shall proceed to make a fresh valid decision thereons. However, before proceeding to make a fresh decision on the lis, the learned Assistant Collector shall ensure, that a valid demarcation of the relevant sites becomes conducted by the empowered Revenue Officer concerned. The reliance to be placed, upon such a demarcation report shall be so placed only after it becomes lawfully proven in accordance with law. Fresh decision on remand is directed to be passed within 3 months from today, but after hearing all affected persons concerned.

**(SURESHWAR THAKUR)**  
**JUDGE**

**20.11.2023**

**Ithlesh**

**(SUDEEPTI SHARMA)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned:-</b> | <b>Yes/No</b> |
| <b>Whether reportable:</b>         | <b>Yes/No</b> |