

112

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27685-2023

Date of decision:08.12.2023

SUNIL KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

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

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

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsel appearing for the petitioner as well as by the learned State counsel fairly submit, before this Court, that the concurrently made impugned orders of eviction are prima-facie stained with an illegality, inasmuch as, despite the demarcation report not being proven in accordance with law, inasmuch as, the author thereof not stepping into the witness box nor is being cross-examined by the aggrieved from the said demarcation report concerned, yet the impugned verdicts placing reliance, upon, (supra).

2. In consequence, they are also ad idem that thereby this Court may after quashing the impugned orders, thus proceed to remand the lis to the learned Assistant Collector concerned, so as to enable him to draw a fresh decision thereons, but in accordance with law.

3. Keeping in view, the above ad idem statement made at the bar, by the learned counsel(s) for the petitioner as well as by the learned

State counsel, this Court after allowing the instant petition, proceeds to quash and set aside the impugned orders. Moreover, also this Court proceeds to remand the lis to the learned Collector concerned, who shall after restoring the lis to its original number, thus ensure that the author of the demarcation report steps into the witness box, to lend credible proof vis-a-vis its valid drawing, besides the aggrieved from the demarcation report are permitted to cross examine him.

4. In case, the learned Assistant Collector in his wisdom conceives, that there is a necessity of a fresh demarcation report, being prepared, thereupon, he may proceed to order for a fresh demarcation of the disputed sites being conducted by an empowered revenue officer concerned. However, if he chooses to take the above action, thereupon he shall ensure that the author of the said demarcation report, also steps into the witness box to lend credible proof vis-a-vis its validity, besides shall permit the aggrieved therefrom, to cross examine the author of the said demarcation report.

5. Needless to state that the remanded lis shall be decided through a speaking order becoming made thereon, but after haring all affected persons concerned. A decision on the remanded lis shall be positively made within a period of 6 months from today.

(SURESHWAR THAKUR)
JUDGE

08.12.2023

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(SUDEEPTI SHARMA)
JUDGE

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