

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

CWP-10940-1995 (O & M)

Date of Decision : 01.05.2024

JASWANT KAUR & ANR.

.....Petitioners

Versus

ADDL. DIRECTOR PANCHAYAT & ANR.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present : None for petitioner No. 1.

Mr. Vikram Singh, Advocate
for petitioner No. 2.

Mr. Maninder Singh, Sr. DAG, Punjab
for respondent No. 1.

SURESHWAR THAKUR, J. (Oral)

1. Respondent No. 2, has neither appeared in person, nor through any validly engaged counsel. Therefore, respondent No. 2 is ordered to be proceeded against ex-parte.

2. The learned counsel appearing for petitioner No. 2 submits that he has no objection to the submission made by the learned State counsel that since the order made by the Collector concerned (Annexure P-1), besides the impugned appellate order (Annexure P-2), as rendered by the appellate authority, both suffer from the hereafter legal infirmities.

3. (i) No issues becoming formulated.

(ii) No opportunity being assigned to the litigants to adduce thereons their respective evidences.

4. Consequently, they are also ad idem that for want of issues

being struck on the contentious pleadings of the litigants, thus by the Collector concerned, who rendered verdict (Annexure P-1), thereby Annexure P-1, besides the verdict in appeal (Annexure P-2) rendered by the appellate authority, thus are required to be quashed and set aside.

4. Accepting the above submissions made before this Court, the instant writ petition is allowed and the impugned order (Annexure P-2) and also Annexure P-1, are quashed and set aside, and, the *lis* is ordered to be remanded to the Collector concerned, with a direction upon him to after framing issues upon the contentious pleadings of the litigants, to thereafter permit the litigants concerned, thus to adduce their respective evidences thereons.

5. The entire exercises are directed to be completed within four months from today. Moreover, a valid speaking decision is directed to be passed on the remanded *lis* by the Collector concerned, but after hearing all the affected persons concerned.

6. Disposed of alongwith all pending application(s), if any.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

01.05.2024
kavneet singh

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