

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

CWP-19887-1998 (O & M)

Date of Decision : 01.03.2024

THE STATE OF PUNJAB AND ORS.

.....Petitioners

Versus

JOINT DEVELOPMENT COMMISSIONER AND ORS.

.....Respondents

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

Present : Mr. Avnish Mittal, Addl. Advocate General, Punjab.

Mr. G.S.Nagra, Advocate

Ms. K.S.Rawat, Advocate

for respondents No. 3 to 5, 7, 9 to 13, 15 to 27, 29 to 33
and 35 to 38.

SURESHWAR THAKUR, J. (Oral)

1. Chanan Singh Panch and others instituted a suit against the respondents concerned, who are respectively the Gram Panchayat Dulwan, Provincial Govt. Punjab State and the District Forest Officer, Siswan Range, Ropar.

2. In the said misl. constituted under 11 of the Punjab Village Common Lands (Regulation) Act, 1961, the plaintiffs-petitioners claimed the making of a declaratory decree in respect of the suit lands besides also claimed the making of decree of permanent prohibitory injunction for thereby the respondents becoming restrained from interfering in their customary rights over the disputed lands.

3. Through a decision made thereons, on 30.1.1996 (Annexure P-13), the Collector concerned proceeded to decree the plaintiffs suit.

4. The aggrieved respondents preferred an appeal thereagainst before the Appellate Authority concerned, but through Annexure P-16, the Appellate Authority dismissed the appeal No.209 of 1996, and, thus proceeded to uphold Annexure P-13.

5. Consequently, the respondents in Annexure P-13, became aggrieved from the concurrent verdicts, as made respectively by the Collector and by the Appellate Authority concerned, wherebys, both decreed the plaintiffs suit (supra), whereupon they filed the instant CWP before this Court.

6. The learned counsel for the parties appearing today before this Court are ad idem that the verdicts which are challenged at the instance of the State of Punjab before this Court are required to be quashed and set aside besides they are also ad idem, that subsequently this Court may proceed to remand the *lis* to the Collector concerned, so that, qua all the contentious pleadings as laid before the Collector concerned, thus the relevant issues which arise therefrom, thus are struck, besides they are also ad idem that on the said struck issues the evidence adducing discharging onus be cast upon the litigant concerned.

7. Moreover, they are also ad idem that leave to the litigant concerned to adduce such additional evidence whereby the litigant concerned, is enabled to fully discharge the evidence adducing onus as becomes cast upon him, be also directed to be granted, in accordance with law, to the litigant concerned.

8. Accordingly so, this Court after allowing the writ petition, quashes the impugned orders (Annexure P-13 and P-16), and, makes an

order of remand of the *lis* to the Collector concerned, who as stated by the counsels (*supra*), shall proceed to after restoring the *lis* to its original number, shall thereafter, proceed to bearing in mind the above also, thus draw a valid speaking decision thereons, but after hearing all affected persons concerned.

9. Moreover, in case certain khewatdars/proprietors in the disputed lands remain omitted to be arrayed in in the array of co-petitioners, thereupon, on the requisite application for theirs becoming so impleaded, be filed and the same be decided, in accordance with law.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

01.03.2024

kavneet singh

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