

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-6437-1996
Date of Decision : 18.01.2024

GRAM PANCHAAT BHAINI BAGHA THROUGH ITS SARPANCH
LABH SINGHPetitioner

Versus

ADDITIONAL DIRECTOR CONSOLIDATION & ORS.Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. M.L.Saini, Advocate
for respondent No. 3.

SURESHWAR THAKUR, J. (Oral)

1. Gram Panchayat Bhaini Bagha, through its, the then Sarpanch Labh Singh, has instituted the instant writ petition before this Court, whereby a challenge is thrown to the concurrently made orders, which are respectively enclosed in Annexures P-1 and P-2, wherethroughs, respondent No. 3, before this Court became allotted, the disputed lands, despite the disputed lands becoming allotted to the present petitioner.
2. The learned counsel for the petitioner as well as the learned counsel for the private respondent no.3, besides the learned State counsel, all are ad idem that the impugned annexures are, *prima facie*, ridden with a vice of gross infirmity, inasmuch as, the order qua assumption of possession over the disputed lands, by the private respondent, rather has been made, but without any reference to the *khatouni paymash*, whereas, reference to the *khatouni paymash*, but was imperative for the authority thus for its ultimately, making a conclusion, that, whereafters in

terms thereof, the consolidation officer concerned, thus has not made allotments to the said private respondent.

3. In consequence to the above ad idem statement made, at the bar, by the learned counsel appearing for all the contesting litigants, this Court after quashing the impugned annexures, thus proceeds to make an order of remand on the Consolidation Officer, Jalandhar, who shall after restoring the *lis* to its original number, thus shall make a valid speaking decision thereons, but within a period of two months from today.

4. In the Remandee Court making a fresh decision on the remanded *lis*, he shall ensure that he shall give an opportunity of hearing to all concerned, besides shall ensure that in its making a fresh order on the relevant *lis*, he shall make a reference to the *khatouni paymash*, thus for determining the plea of the private respondent, and/or qua the validity of objection thereof, as may become raised by the present petitioner.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.01.2024

kavneet singh

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