

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

CWP-13225-2020
Date of Decision : 30.04.2024

GRAM PANCHAYAT OF VILLAGE CHAK KAMAL KHAN
.....Petitioner

Versus

DIRECTOR, RURAL DEVELOPMENT AND PANCHAYAT PUNJAB
AND ORS.Respondents

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

Present : Mr. G.S.Nagra, Advocate
Mr. B.S.Mann, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. K.S.Chahal, Advocate
for respondents No. 3 and 4.

SURESHWAR THAKUR, J. (Oral)

1. Case No.71 became instituted in the year 2000 at the instance of one Harbans Singh and another, thus before the Collector concerned, exercising jurisdiction under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961.

2. In the said petition became impleaded Gram Panchayat Chak Kamal Khan as defendant, and against the said defendant a declaratory decree to the effect that the plaintiffs are owners in possession of the land in dispute, thus was claimed. Through a decision (Annexure P-5) as made

on the above case, thus the Collector concerned, decreed the suit in favour of the plaintiffs and against the defendant-Gram Panchayat.

3. The aggrieved from Annexure P-5, preferred a statutory appeal before the competent appellate authority concerned. However, the said appeal was time barred. Therefore, alongwith the said statutory appeal became appended an application cast, under Section 5 of the Limitation Act, 1963 rather seeking condonation of delay of 4440 days, as had occurred in making an appeal against Annexure P-5, before the competent appellate authority concerned.

4. The aggrieved-appellant-Gram Panchayat concerned from Annexure P-5, though in the said application for condonation of delay, did prima facie, well explicate the delay which had occurred in its making an appeal against Annexure P-5, before the competent Appellate Authority concerned, but a reading of the decision (Annexure P-8), as made on the said application, reveals that in a hasty and slipshod manner, rather the appellate authority concerned, thus declined the asked for relief on the said application.

5. The manner of adjudication being made, upon, the said application by the appellate authority concerned, is required, to be deprecated, as it became enjoined to after inviting the apposite response(s) from the respondents concerned, to thereafter strike issues on the apposite pleadings, besides subsequently became enjoined, thus to ensure that evidence on the said struck issues becomes adduced by the litigant(s) concerned. The above would have ensured that an adequate opportunity of hearing becomes granted to the aggrieved from Annexure P-5.

6. Paramountly since the above did not happen. Therefore, as

stated (supra), but in an slipshod and hasty manner besides with an ill informed reason, the application for condonation of delay appended with the statutory appeal, rather became dismissed.

7. Consequently, the petition is allowed and the impugned order Annexure P-8 is quashed and set aside. The appellate authority concerned, is directed to restore the said application and the appeal to their respective original numbers, and, it is further directed that after inviting a response on the application for condonation of delay from the respondents concerned, to thereafter strike issues, and to subsequently permit the aggrieved litigant(s) concerned, to adduce evidence thereons. Subsequently, a valid decision, in accordance with law, shall be made on the said application for condonation of delay. If the condonation of delay application is allowed, subsequently the appellate authority concerned, shall proceed to make a speaking decision, in accordance with law, upon, the apposite statutory appeal.

8. The entire exercises (supra), are directed be ensured to be completed within four months from today but after hearing all affected persons concerned and till the remanded lis is restored to its original number, the parties are directed to maintain status quo, in respect of the petition land(s).

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

30.04.2024
kavneet singh

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