

2024:PHHC:050374-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CWP-9450-1997 (O&M)
Date of Decision: 15.04.2024

Gram Panchayat village Rampur

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Paramjit Batta, Advocate for the petitioner.

Mr. Amit Kumar, Additional A.G. Punjab.

None for respondents No.3 and 4.

Sureshwar Thakur, J. (Oral)

1. Despite service of Court notice, neither respondents No.3 and 4 nor their validly engaged counsel is present before this Court, as such they are proceeded against ex parte.

2. Learned counsel for the petitioner-Gram Panchayat as well as the learned State counsel are *ad idem*, that the impugned order is made in breach of the verdict pronounced by the Full Bench of this Court in case titled as **“Parkash Singh and others Versus Joint Development Commissioner, Punjab”**, reported in **2014(2) RCR (Civil) 721**, inasmuch as, despite an interdiction becoming cast therein, against the statutory authority contemplated under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, thus, deciding a question of title or deciding any issue relating to allotments or mis-allotments, rather being made in the finalized consolidation scheme, yet the said

4. Consequently, learned counsels appearing before this Court are further *ad idem*, that the impugned Annexure P-1 be quashed and set aside and liberty be reserved to the aggrieved from Annexure P-1, to avail the Civil Court remedy.

5. Ordered accordingly.

6. In the wake of above, the impugned order is quashed and set aside with liberty to the aggrieved from Annexure P-1, to access the Civil Court of competent jurisdiction. The said remedy be availed within a period of fortnight from today but thereupto the parties are directed to maintain status quo qua the disputed lands.

7. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

15.04.2024
D.Gulati

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No