



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

123

CWP-8080-2024

Date of Decision: 27.05.2024

Jagtar Singh and another

....Petitioners

Versus

Gram Panchayat, Village Jagirpur and others

....Respondents

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

Present: Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

Mr. Karminder Singh, Advocate and
Mr. Prabhsher Singh Walia, Advocate
for respondent No.1.

Ms. Rekha Luhach, Advocate for
Ms. Ritu Punj, Advocate
for respondents No.5 (i), 7 (i) and (ii), 10 (i) and (ii)
and 13 (i).

Sureshwar Thakur, J. (Oral)

1. The Gram Panchayat, Village Jagirpur, Hadbast No.70, Tehsil and District Ludhiana, instituted a title suit cast under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter in short to be referred as 'the Act of 1961'), before the Collector concerned. The date of institution of said declaratory suit was 23.04.2015, and the same was decided on 09.03.2017 (Annexure P/1).



2. The defendants/respondents in the said declaratory suit became aggrieved from the decreeing of the Gram Panchayat's suit, and, were led to institute thereagainst an Appeal bearing No.50 of 2017 (Annexure P/2) and on the said decision, a verdict adversarial to the appellants was recorded.

3. The said decision led to the aggrieved therefrom to institute Civil Writ Petition No.18386 of 2017 before this Court, and, thereons this Court passed a decision on 30.01.2023 (Annexure P/3), whereby this Court in the operative part thereof, operative part whereof becomes extracted hereinafter, thus passed directions upon the appellate authority to after restoring the statutory appeal to its original number to take into account that whether the declaratory decree passed by the Civil Court of competent jurisdiction (Annexure P/9), wherebys, the petitioners before this Court, have been conferred the espoused decree of specific performance in respect of the disputed lands, thus in fact related to the subject land, and, to also bear in mind the fact that whether the said decree was between parties similar to the instant suit, besides the causes of action in the said Annexure P/9 was also similar to the causes of action in the instant suit.

“5. Necessarily the above slipshod manner of makings of a decision by the learned Appellate Court concerned, is but required to be undone. Therefore, this Court is led to, after quashing the impugned verdict, make an order of remand upon the learned Appellate Court concerned, to after hearing all concerned, to make a fresh speaking decision, upon, the statutory appeal, covering all the grounds relating to the plaintiff's suit being barred by the applicable thereon principle of constructive



res-judicata. The above decision be ensured to be positively made within three months from today. The above order of remand will also be limited only to the acquisition of lands by the petitioners herein, through a sale-deed being made in their favour by their vendor one Malkit Kaur.

6. The parties are directed to make their respective appearance on 20.2.2023.”

4. As such, this Court had through making the said order of remand, thus entailed an obligation, upon the appellate authority concerned, to after making an incisive and circumspect reading of all the relevant documents, to discover therefrom whether therebys, the present petitioners become entitled to urge that, the instant suit was, as such barred by the principle of constructive res-judicata.

5. However, Mr. Amit Kumar, who is exercising jurisdiction as the appellate authority, is present in Court but, is unable to explain the reasons for yet is not making compliance with the order of remand. However, he is asked to remain careful in future.

6. In the wake of the above, the petition is allowed, and impugned annexure is quashed and set aside, besides the initially recorded verdict by the Collector concerned (Annexure P/1), is also quashed and set aside, so as to enable the Collector concerned, to frame an issue with respect to the present petitioners becoming entitled to, receive the benefit of the estopping principle of constructive res-judicata. Subsequently, the Collector concerned, shall proceed to permit the litigants concerned, to adduce evidence upon the said



issue, whereafter the Collector concerned, shall within six months from today, make a lawful decision upon the relevant *lis* bearing No.DDDP (11) Ludhiana-2-142, but after hearing all the affected persons concerned. However, the said decision would operate only insofar as the present litigants, before this Court, are concerned.

7. Disposed of accordingly along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

27.05.2024
Varinder Prashad

(LALIT BATRA)
JUDGE

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