

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

CWP-14329-2020

Date of Decision : 16.01.2024

HARJINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Ram Kumar Chauhan, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. V.K.Sandhir, Advocate
for respondent No. 4.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioner becomes aggrieved from Annexure P-7, whereby the Appellate Authority concerned, allowed appeal No.394 of 2010, as became preferred before it, by the Gram Panchayat Talwandi Arayian, Tehsil and District Hoshiarpur, against the dismissal order (Annexure P-4), as, made upon the eviction petition, filed by the Gram Panchayat concerned.

2. The dismissal order as became passed on the eviction petition and which becomes annulled through the impugned Annexure P-7, is comprised in Annexure P-4.

3. Hence also, the learned counsel appearing for the Gram Panchayat concerned and also the learned State counsel fairly submits, that the present petitioner, has raised his *abadi* on lands described in the revenue record as *abadi deh lands*, but they submit that the contest

which has opened amongst the contesting litigants, relates to any purported unauthorized occupation or possession, rather becoming assumed by the petitioner, upon, the disputed khasra No. 27.

4. If so, the learned Appellate Authority concerned, was required to be ordering for a demarcation being done of the disputed khasra No. 27, rather than its erroneously besides untenably concluding that since the disputed khasra No. 27, rather occurs in *abadi deh*. Therefore no demarcation thereof is required to be made.

5. Consequently, for resting the *lis* which has emerged amongst the contesting litigants in respect of any purported unauthorized occupation being made by the petitioner, upon, the disputed khasra No. 27, the said made conclusion is required to be quashed and set aside.

6. In sequel, after also quashing the impugned order (Annexure P-7), this Court deems it fit and appropriate to remand the *lis*, to the learned Appellate Authority concerned, who shall after ordering for a demarcation being made of the disputed Khasra No. 27, thus by the empowered revenue officer concerned, thus shall in terms thereof, make a declaration therein, whether thereons the present petitioner has made any unauthorized construction or has assumed unauthorized possession.

7. Therefore, after allowing the instant writ petition, the impugned order is quashed, and, set aside and the Appellate Authority concerned, is directed to, after restoring the *appeal* to its original number, as stated (*supra*), appoint a revenue officer to conduct a valid demarcation in respect of the disputed Khasra No. 27.

8. The report of the empowered revenue officer concerned, shall be tendered by its author before the Appellate Authority concerned, and, in case any adversarial echoings are made in the said report, thereupon, the present petitioner shall be permitted to make cross examination upon the demarcating officer concerned.
9. Subsequently, the Appellate Authority concerned, shall pass a well reasoned speaking decision thereons, but within three months from today, but after hearing all affected persons concerned.
10. Since the main case itself has been disposed of, thus, all pending applications, if any, are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

16.01.2024

kavneet singh

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