

2024:PHHC:078700-DB



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

CWP-14100-2024

Date of Decision : 31.05.2024

AMRIK SINGH AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE RITU TAGORE**

Present : Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Case No. 151/VCL became instituted in the year 2009 at the instance of the plaintiffs-petitioners herein, 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 of Village Chacho Majra, Tehsil and District S.A.S. Nagar, through its Sarpanch and against the said respondent a declaratory decree to the effect that the petitioners are owners in possession of the subject lands was claimed. Through a decision (Annexure P-8) as made on the above case, thus the Collector concerned, decreed the petition.

3. The aggrieved-Gram Panchayat from Annexure P-8, preferred a statutory appeal before the competent appellate authority

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concerned. However, the said appeal was time barred. Therefore, alongwith the said statutory appeal became appended an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 1317 days, as had occurred in the making an appeal against Annexure P-8, before the competent appellate authority concerned.

4. On a reading of the decision (Annexure P-12) as made on the said application for condonation of delay, reveals that in a hasty and slipshod manner, rather the appellate authority concerned, thus allowed 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 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 litigants concerned.

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 allowed.

7. Consequently, the petition is allowed and the impugned order Annexure P-12 is quashed and set aside. The appellate authority concerned, is directed to restore the said application to its original number,

and, it is further directed that after inviting a response on the application

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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 condonation of delay application. 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.

(SURESHWAR THAKUR)
JUDGE

(RITU TAGORE)
JUDGE

31.05.2024

kavneet singh

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