

**In the High Court of Punjab and Haryana at Chandigarh**

(227)

**CWP No. 26659 of 2014 (O&M)**

**Date of Decision: 27.2.2024**

Nirmal Singh

.....Petitioner

Versus

Gram Panchayat Arno and others

.....Respondents

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

Present: Ms. Anamika Sheoran, Advocate for  
Mr. Vikas Singh, Advocate  
for the petitioner

Mr. Maninder Singh, Sr. DAG, Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The plaintiff, petitioner herein filed a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 before the Collector concerned, against the Gram Panchayat concerned, seeking thereby the espoused decree of his being declared the owner of the petition land.

2. Through an order made thereons, on 4.3.2008 (Annexure P-2), the learned Collector concerned, dismissed the petition (supra).

3. Feeling aggrieved thereagainst, the petitioner herein filed an appeal before the Appellate Authority concerned. However, through an order made thereons, on 18.12.2009 (Annexure P-3), the said appeal became dismissed.

4. The petitioner challenged both the orders (supra) through filing CWP No. 9270 of 2009, before this Court. This Court through an order made thereons, on 11.5.2012, remanded the case to the Appellate Authority concerned to decide the appeal afresh. Thereafter, the appeal filed by the

petitioner bearing No. 140 of 2008, became dismissed by the Appellate Authority concerned, thus through an order made thereons, on 29.11.2013 (Annexure P-6)

5. The drawing of the above dis-affirmative verdicts (Annexure P-2 and P-6), by the authorities below, have caused pain to the petitioner herein and has led him to institute thereagainst the instant writ petition before this Court.

6. On a reading of the impugned Annexure P-2, and, Annexure P-6, as became respectively drawn by the Collector concerned, and, by the appellate authority concerned, on the apposite title suit, and on the appeal, it is but expressly clear that both of them were sketchily, and, cryptically drawn, thus without any issues being struck, despite a dispute becoming raised by the plaintiff therein vis-a-vis his ownership over the disputed lands.

7. Contrarily, it appears, that merely on a cursory reading of the records, hence through Annexure P-2, the Collector concerned, rather in a most summary manner declined the espoused declaratory decree to the plaintiff, and, further on an appeal being preferred thereagainst by the present petitioner, the Appellate Authority concerned, through Annexure P-6, declined the said espoused decree to the plaintiff and declared the Gram Panchayat as owner over the disputed lands.

8. From a close reading of both the above Annexures, it appears that neither any issue became struck on the contentious pleadings laid before the authorities concerned, nor any evidence adducing discharging onus became cast thereons, whereas, rather it was imperative for the authorities concerned, to formulate issues for the relevant evidence adducing onus

becoming cast upon the litigants concerned.

9. The reason for making the above conclusion stems from the factum, that though in the special statute (*supra*), there is no specific procedure regulating the trial of the petitions, as become laid before the statutory authorities constituted therein, thereby but obviously the procedure for regulating the entering upon trial of a motion laid under the statute (*supra*) before the statutory authorities concerned, but is regulated by the provisions as cast under the CPC.

10. The manner of adjudication being made, upon, the said motion(s) by the statutory authorities below, is required, to be deprecated, as it became enjoined to after inviting response(s) from the respondent concerned, to thereafter strike issues on the contested pleadings, and, to thereafter formulate issues whereafter it became imperative, upon them to cast the evidence adducing onus, upon the litigants concerned.

11. Paramountly since the above did not happen. Therefore, as stated (*supra*), but in an slipshod and hasty manner besides with a *prima facie*, ill informed reason, the verdict(s) (*supra*) became passed.

12. Consequently, the petition is allowed, and, the impugned order (Annexure P-2) passed by the Collector concerned, as well as, the impugned order Annexure P-6 are quashed and set aside, and, the *lis* is remanded to the Collector concerned, who on receiving the same, shall restore the *lis* to its original number, and, it is further directed that he shall after inviting a response on the said petition/suit from the respondent concerned, to thereafter strike issues, and to subsequently permit the aggrieved litigant(s) concerned, to adduce evidence thereons.

13. Subsequently, a valid decision, in accordance with law, shall be made on the said petition/suit, by the Collector concerned, thus within a

14. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)  
JUDGE

(LALIT BATRA)  
JUDGE

February 27, 2024  
Gurpreet

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