

114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-4085-CWP-2024 in/and
CWP-17412-2023
Date of decision:12.03.2024

GURMEL SINGH

...Petitioner

Versus

JOINT DEVELOPMENT COMMISSIONER AND ORS.

...Respondents

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

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab

Mr. Amit Kumar Walia, Advocate
for respondent No.3.

SURESHWAR THAKUR, J. (ORAL)

CM-4085-CWP-2024

1. The instant application has been filed for seeking preponement of the main case from 9.4.2024 to some earlier date.
2. For good, and, valid reasons recorded in the application, the same is allowed, and, the main case is taken up today for hearing.

CWP-17412-2023

1. The aggrieved from the concurrently made verdicts of eviction, as become respectively embodied in Annexures P-5 and P-7, accessed this Court for quashing the impugned annexures (supra).

2024:PHHC:034961-DB

2. The learned counsel for the petitioners appearing before this Court, are *ad idem* that 8 petitions for eviction became instituted by the Gram Panchayat Khadial, Tehsil Sunam, District Sangrur, against different purported encoachers, upon the lands owned, and, possessed by the Gram Panchayat concerned, but they are further *ad idem* that a decision was made made only upon File No.20 (Annexure P-5), whereas, in the operative part thereof part whereof, becomes extracted hereinafter, the learned DDPO (exercising the powers of Collector), thus proceeded to untenably make a cryptic order on the other misls concerned, thus on the ground that the facts of files other than File No.9 were connected or were similar to the file bearing File No.9, which also became decided through Annexure P-5.

“The facts of aforementioned files are similar to the facts of these files. Hence, these files are also decided with this order and respondents are hereby dispossessed from lands in question.

Order pronounced in open court After necessary proceedings, file be consigned to record room.”

3. The said made submission appears to be correct, as there is a complete lack of application of mind to the facts of each of the misls concerned. More importantly, when all the misls concerned, did not carry khasra numbers which were similar to the ones in File No.9, whereons, Annexure P-5 was recorded. The above non-application of mind to the facts of each of the misls, thus makes Annexure P/5 to be drawn in a most slipshod and cryptic manner.

4. Consequently, the instant petition is allowed. Impugned Annexures P-5 and P-7 are quashed, and, set aside. The lis is remanded to the learned Collector concerned, who shall after restoring all the misls' to

2024:PHHC:034961-DB

their respective original numbers, thus proceed to make a fresh decision thereons, but after hearing all affected persons concerned. The remanded lis is directed to ensured to be decided within 4 months from today.

5. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

12.03.2024
Ithlesh

(LALIT BATRA)
JUDGE

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