

2024:PHHC:126059-DB



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

(116)

CWP-22252-2024

Decided on : 23.09.2024

Tilak Raj & others

.....Petitioner(s)

Versus

Director, Rural Development & Panchayat, Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.R.S.Chauhan, Advocate for the petitioner (s).
Mr.Shekhar Verma, Addl.A.G., Punjab.

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is to the eviction order dated 29.03.2019 (Annexure P-6) passed against as many as 64 persons and the order dated 21.05.2021 (Annexure P-8) upholding the same in appeal.

2. The said order was an *ex-parte* order on account of the fact that after notice had been issued, none had appeared and resultantly, pasting had been done on common places through the chowkidar. Thereafter directions had been issued on 17.12.2018 to conduct the Mushtri Munadi in the village and directions had been issued to the Block Development & Panchayat Officer, Dharkalan and report accordingly was sent to the petitioners who chose not to present themselves before the Collector. Notice was published in 'Punjab Kesri' on 09.02.2019, 17.02.2019, directing the petitioners to appear in Court on 28.02.2019. Still the present petitioners chose not to appear. Resultantly, keeping in view the fact that 3806 kanals 10 marlas of land, which as per the Jamabandi for the year 2011-12, was *Shamlat, Tika Hasab Rasab Khewat*, the petition was allowed, after taking into account the evidence of the Sarpanch of the Village of the Gram Panchayat, Thara Jhikla Dangu.

3. Surprisingly, though the petitioners were *ex-parte*, they filed the appeal within time on 15.07.2019, without an application for condonation of delay (Annexure P-7). The explanation given in the grounds of appeal was that only when they got warrants of possession, they filed an application after

making an enquiry and resultantly, applied for the certified copy on 19.06.2019 and therefore, prayed for a chance to be heard on merits.

4. The Commissioner dismissed their appeal on 21.05.2021 (Annexure P-8) by noticing that proper publication had been done and the petitioners were deliberately wanting to prolong the proceedings and despite service, chose not to appear and their illegal possession on the land was causing financial loss of lakhs to the Gram Panchayat. It was, in such circumstances, while noting that as per the record of the revenue department, the nature of the land was *Banjar Kadeem*, the appeal was dismissed.

5. The petitioners have taken their sweet time to file the writ petition after more than 3 years and on this account also, we are not inclined to entertain the present writ petition, as a deliberated and calculated attempt has been made, firstly, by not putting in appearance before the authorities and then, filing the appeal, with the hope that the matter would be remanded and they would get a fresh lease of life. The second effort is to file the writ petition, after 3 years, in order to further extend the litigation and continue to hold on to the 500 acres of valuable land of the Gram Panchayat. Resultantly, we are of the considered opinion that the present writ petition is barred by limitation and the petitioners cannot be allowed to hold on to the land of the Panchayat in the manner which they wish to.

6. Accordingly, in view of the above discussion, finding no merit in the present writ petition, the same is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

23.09.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No