



CWP-2266-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(133)

CWP-2266-2025

Date of Decision: 28.01.2025

BAJ SINGH

...Petitioner

Versus

DIRECTOR RURAL DEVELOPMENT AND PANCHAYAT
DEPARTMENT AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. K.S. Chahal, Advocate for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Learned counsel appearing today before this Court are *ad idem* that the operative part of the order (Annexure P-6) passed by the Commissioner exercising appellate jurisdiction under The Punjab Village Common Lands (Regulation) Act, 1961, be modified in the hereinafter manner. The operative part of the order supra becomes extracted hereinafter:-

“As per the received report it is clear that the concerned record of lower Court of this case has been burnt. So, the case cannot be decided without record. So, the impugned order passed on 05/09/2002 by the Collector is set aside is remanded to the Collector for deciding afresh and directed that ample opportunity be given to the parties to produce their evidence/documents, revenue record before passing the decision in fresh in the case.”

2. Thus, the order supra does not require any interference.

However, since both the learned counsels concerned consensually submit



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that the supra order of remand made upon the Collector concerned, to thus re-decide the lis, be further modified to the extent, that a decision afresh on the remanded lis to the Collector, be made, only after formulation of issues upon the contentious pleadings of the parties, besides subsequently the evidence adducing discharging onus becoming also cast upon the litigants concerned. Moreover, the said cast onus being also permitted to be discharged.

3. The said *ad idem* submission is accepted and accordingly, after affirming the impugned order, the learned Collector concerned, is directed to, after framing issues on the contentious pleadings, as raised by the litigants concerned, thus thereons cast the evidence adducing discharging onus, upon the litigants concerned.

4. The decision on the remanded lis shall be lawfully made within 4 months from today. Furthermore, since the original record, has been destroyed, thus the Collector concerned shall decide the lis, but with learned counsel for the litigants, aiding him in reconstructing the damaged records, as appertaining to the remanded lis.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

28.01.2025
mahima

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