



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

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Date of Decision: 29.01.2025

(1)

CWP-14878-2024

Bhupinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(2)

CWP-14882-2024

Hem Raj and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. H.K. Brinda, Advocate,
for the petitioners.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Both the aforesaid writ petitions are being disposed of by a common order as the issues involved therein are the same. With the consent of counsel for the parties, the facts are being taken from CWP-14878-2024.
2. The writ petitioners are pained from the passing of an order Annexure P-6. The said pain becomes aroused from despite this Court while passing a decision on 11.03.2024 upon CWP-26621-2023 had incorporated



thereins paragraphs 4, 5 and 6, paras whereof become extracted hereinafter, yet on breach thereof the instant impugned order becoming passed:-

“4. The learned counsel for the petitioners submits that respondent No.2, without considering the reply of the respondents thereins, petitioners herein, and, submissions of their counsel passed a cryptic and non-speaking order of condoning the delay in filing the appeal. Therefore, the said order be quashed and set aside.

5. From a perusal of the impugned order, it appears that the learned Appellate Authority without inviting pleadings from the contesting litigants, and, thereafter, without striking issues on such pleadings and obviously without permitting the litigants concerned to adduce evidence thereons, rather has within the said statutory appeal, thus, proceeded to allow the condonation of delay application.

6. 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.”

3. Subsequently, this Court had, on account of the then Commissioner (Panchayat Land), SAS Nagar and Rupnagar, exercising the



appellate jurisdiction under the Punjab Village Common Lands (Regulations) Act, 1961, who is now present in Court, rather proceeding to depart from the norms incorporated in the supra extracted paragraphs borne in the order rendered on 11.03.2024, whereby, he became led to pass the order impugned in the said writ petition. Also thereafter, this Court after quashing the order impugned in the said writ petition, had made an order of remand of the *lis*, to the Commissioner concerned, but with a direction to him to make compliance(s) to the supra extracted paragraphs, as occur therein. The decision recorded by this Court on 11.03.2024 upon CWP-26621-2023, has yet remained uncomplied.

4. However, though, thus, *ex facie*, the Commissioner concerned has remained completely unmindful and oblivious to the supra passed directions, thus, in his passing the order which is now challenged before this Court.

5. Though the then Commissioner, who is now working as the Municipal Commissioner, Chandigarh, had indulged in making contumacy qua supra directions passed upon him, but since he has tendered an unconditional and unqualified apology, thereby, this Court refrains from drawing any contempt action against him. However, since the directions embodied in the judgment supra made by this Court, thus, have been violated, therefore, this Court orders that the order impugned in the instant writ petition be quashed and set aside.

6. Resultantly, the *lis* is remanded to the Commissioner concerned, who after restoring the *lis* to its original number, shall proceed to redecide the same, but he is further directed to bear in mind the supra



directions embodied in the verdict pronounced on 11.03.2024 in CWP-26621-2023. The decision on the remanded *lis* be ensured to be made within two months from today, but after hearing all the affected persons concerned.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

January 29, 2025
harish

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