

2025:PHHC:093513-DB



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

109

CWP-19639-2024

Date of Decision: 28.07.2025

SADHU SINGH SINCE DECEASED THROUGH LRSPETITIONERS

Versus

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present:- Mr. A.P. Kaushal, Advocate for the petitioners.

Mr. Shekhar Verma, Addl. A.G., Punjab.

Mr. V.K. Sandhir, Advocate,
Mr. Sriansh Singh, Advocate,
Ms. Navreet Kaur, Advocate and
Mr. Subhjinder Singh, Advocate for respondent No.4.

DEEPAK SIBAL, J. (Oral)

1. Gram Panchayat, Bhateri filed a petition against Sadhu Singh, who was predecessor-in-interest of the petitioners, under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short- the Act), seeking therein to declare the Gram Panchayat owner of the property described in the head note of the petition. The said petition was filed before the Additional Deputy Commissioner (D)-cum-Collector, Fatehgarh Sahib (for short-Collector) who issued notice of the petition to Sadhu Singh. On



receipt of notice, Sadhu Singh engaged a counsel who filed a written statement and led evidence opposing the Gram Panchayat's petition. After hearing learned counsel for the parties and considering the evidence led before it, the Collector, through its order dated 29.01.2016 allowed the Gram Panchayat's petition and declared it to be the owner of the land in question.

2. To challenge the order of the Collector dated 29.01.2016, the petitioners filed an appeal before the Commissioner. In terms of Section 11(2) of the Act, the limitation to file such appeal was 60 days and therefore, along with their appeal, the petitioners filed an application seeking condonation of delay of 6 years and 4 months. Through order dated 10.04.2024, the Commissioner dismissed the application filed by the petitioners seeking condonation of delay of 6 years and 4 months in filing of their appeal and consequently, their appeal was also dismissed. Such order is the subject matter of challenge through the instant petition.

3. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

4. Under Section 11(2) of the Act, the limitation to challenge the order of the Collector dated 29.01.2016, through which the respondent-Gram Panchayat was declared owner of the petitioners' land, was 60 days. However, the petitioners' appeal, filed against such order, was after a delay of 6 years and 4 months. The petitioners sought condonation of the said delay on the ground that the father of the petitioners namely Sadhu Singh, who had been contesting the matter before the Collector, had fallen ill during the



pendency of the proceedings before the Collector and later died on 29.07.2020 without disclosing the factum of these proceedings to the petitioners and that they came to know about these proceedings only on 27.06.2022, when the Gram Panchayat openly claimed in the village that they would take the possession of the land in question.

5. No dates and other details with regard to the illness of Sadhu Singh are forthcoming from the record. There is also no evidence produced with regard to his treatment/hospitalization etc. Sadhu Singh died on 29.07.2020 i.e. after five and half years from the date of passing of the order of the Collector but during this period, he, who was aware of the proceedings, chose not to challenge such order.

6. In the light of above, we find that the petitioners have not satisfactorily explained the inordinate delay of 6 years and 4 months in the filing of their appeal and therefore, no error is found in the impugned order passed by the Commissioner dismissing the petitioners’ appeal on the ground of delay.

7. Dismissed.

[DEEPAK SIBAL]
JUDGE

[LAPITA BANERJI]
JUDGE

28.07.2025

Prince

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