



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

Sr. No.115

CWP-19587-2025

Date of decision: 30.10.2025

Pavan Kumar and another

....Petitioners

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Satish Kumar Rana, Advocate
for the petitioners.

Ms. Mandeep Kaur, DAG, Punjab and
Mr. Kuljit Singh, Addl. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

1. Gram Panchayat, Village Tonsa, District Shaheed Bhagat Singh Nagar, filed an application Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short – the 1961 Act) seeking therein to evict the petitioners from the land belonging to the panchayat as according to the respondent – Gram Panchayat the petitioners were encroaching upon the same. Through order dated 30.05.2022, the District Development and Panchayat Officer-cum-Collector, Shaheed Bhagat Singh Nagar (for short – the Collector), allowed the gram panchayat's application resulting in the eviction of the petitioners from the land in question.
2. Through filing of a statutory appeal under Section 7(2) of the 1961 Act, the petitioners challenged the order of the Collector dated

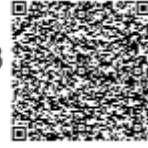
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30.05.2022. Alongwith their appeal, the petitioners also filed an application before the Director, Rural Development and Panchayat Department, Punjab, SAS Nagar, Mohali (Exercising the Powers of Commissioner under the Punjab Village Common Lands Act, 1961) (for short – the Commissioner) seeking therein condonation of delay of 212 days in filing of such appeal primarily on the ground of a communication gap between them and their counsel, who was representing them before the Collector. Through order dated 27.05.2025, the Commissioner did not accept the explanation offered by the petitioners seeking therein condonation of delay of 212 days in filing of the appeal and accordingly rejected such application and resultantly, dismissed their appeal. The order of the Commissioner dated 27.05.2025 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. The order of the Collector dated 30.05.2022 was challenged by the petitioners through filing of a statutory appeal before the Commissioner. The delay of 212 days in filing of such appeal was sought to be condoned by the petitioners primarily on the ground of a communication gap between them and their counsel, who was representing them before the Collector. Such plausible explanation offered by the petitioners for condonation of delay was rejected by the Commissioner who presumed that the petitioners must have been aware with regard to the outcome of their case before the Collector.

5. Further, all that the petitioners seek is a decision on merits on

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their statutory appeal filed by them to challenge therein the eviction order passed against them.

6. In the light of the above and in the interest of justice, subject to payment of Rs.10,000/- as costs by the petitioners to the respondent – Gram Panchayat, we set aside the impugned order dated 27.05.2025 with a further direction to respondent No.1 – Commissioner to consider and decide the petitioners' appeal, filed by them to challenge therein the order of the Collector dated 30.05.2022, on its merits, in accordance with law.

7. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

October 30, 2025

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No