



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

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LPA-1269-2017 (O&M)**Date of Decision: 27.08.2025****Harbans Lal @ Harbans Singh****....Appellant****Versus****Basakha Singh and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Samarth Sagar, Advocate and
Mr. Sunil Kumar, Advocate
for the appellant.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. G.S.Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate and
Ms. Manleen Kaur, Advocate
for the respondents No.1 and 6A.

Harsimran Singh Sethi, J. (Oral)

1. In the present LPA, the challenge is to the order dated 16.05.2017 passed in CWP-14746-2015 by the learned Single Judge by which, the matter has again being remanded back after setting aside all the orders passed by the revenue authorities to be decided afresh.

2. Learned counsel for the appellants argues that the Collector, Mukerian vide order dated 28.11.2008 had recorded a finding that the



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appellant herein was entitled to 23 *karams* in front but, he has been given 14 *karams* still a direction has been given by the learned Single Judge to decide the case afresh. Learned counsel for the appellants submits that any order passed by the revenue authorities especially the order dated 28.11.2008 where certain findings have been recorded, should have been treated to be final by the learned Single Judge even while remanding the case back to the revenue authorities for a fresh decision.

3. Learned Senior Counsel for respondents No.1 and 6A submits that once, a fresh decision is to be taken, the same has to be taken by open mind and not to be bound by any earlier order passed by the revenue authorities. Learned Senior Counsel submits that the contention of the appellant that the finding given in the order dated 28.11.2008 by the Collector, Mukerian that the appellant herein is entitled for 23 *karams* in front, is to be kept in mind and the same is to be kept intact cannot be accepted especially when, in the same order, the matter was remanded back for afresh consideration and therefore, if fresh consideration is to be given by the revenue authority, the same has to be given with open mind keeping in view the revenue recorded and the arguments addressed before the authorities concerned.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. It is a settled principle of law that in case the matter is being remanded back, no finding can be given on merits. Further, in case the findings are to be given on merits and then the case is remanded back, it



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amounts that the officer concerned is asked to sign on the dotted line on the finding already recorded which is not permissible. Once, the authority concerned has a power to adjudicate, and direction is being issued to the said authority by a superior authority, which has to be adjudicated with open mind once the case is remanded back.

6. Learned counsel for the appellant submits that the order dated 28.11.2008 was not challenged in Writ Petition No.14746-2015 and therefore, the finding recorded in the said order, has to be accepted.

7. It may be noticed that the orders which have been set aside by the learned Single Judge were passed in pursuance to the order dated 28.11.2008 by which the case was remanded back to the revenue authorities to decide afresh and therefore, the order dated 28.11.2008 merged with the consequent orders which were passed upon remanding of the case and the said consequent orders once set aside by the learned Single Judge and the case is remanded back, the revenue authorities which are to consider the issue upon remand, have to consider all the issues with open mind and that too on the basis of the record and the arguments addressed by the appellant that the authorities are bound by the finding already rendered should be kept intact, cannot be accepted.

8. A reliance is being placed by the learned counsel for the appellant upon the judgment of the Hon'ble Supreme Court of India in ***Bharat Amratlal Kothari and another vs. Dosukhan Samadkhan Sindhi and others*, (2010) 1 SCC 234**, to contend that the findings once recorded cannot be diluted.

9. It may be noticed that the said judgment is not applicable in the



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facts and circumstances of the present case especially when, the matter was being remanded back for a fresh adjudication, which was not the case in ***Bharat Amratlal Kothari's case (supra)***.

10. Keeping in view of the above, no ground is made out for any interference in the order dated 16.05.2017 passed by the learned Single Judge.
11. Accordingly, the appeal is dismissed.
12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 27, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No