



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-31771-2024

Date of Decision: 28.01.2025

Ramesh

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Sunil Kumar Pandey, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana
Ms. Svaneel Jaswal, Additional Advocate General, Haryana
Mr. P.P.Chahar, Sr. Deputy Advocate General, Haryana
Mr. Saurabh Mago, Deputy Advocate General, Haryana
Mr. Gaurav Bansal, Deputy Advocate General, Haryana and
Mr. Karan Jindal, Assistant Advocate General, Haryana.

Mr. S.P.Chahar, Advocate
for respondent No.6.

Sureshwar Thakur, J. (Oral)

1. The counsels appearing for the contesting litigants before this Court are *ad idem* that the demarcation report, whereons, became based the impugned orders of eviction, did never become proven in accordance with law, inasmuch as, by its author stepping into the witness box and thereafters his becoming cross-examined by the affected litigant.

2. They are also *ad idem* that thereby the impugned orders of eviction be quashed and set aside and the *lis* be remanded to the Assistant Collector concerned, so that, after his calling for a fresh demarcation report, and after his ensuring that it becomes proven in accordance with law, by its



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author, through his stepping into the witness box, thereby a fresh order of eviction, if deemed fit, thus is made, *viz-a-viz* the disputed lands.

3. In the wake of the above, this Court accepts the present petition and after quashing the impugned order, remands the *lis* to the Assistant Collector concerned, who shall after calling for a fresh demarcation report from the empowered revenue officer concerned, shall proceed to ensure its becoming proven in accordance with law, and thereafter in terms of the said demarcation report, he may proceed to pass an order of eviction *viz-a-viz* the encroachers upon the disputed lands.

4. The remanded *lis* be restored to its original number. The learned Remandee Court, after receiving the *lis* on remand, shall make lawful order thereons, but only after giving an opportunity of hearing to all affected concerned. The decision, on remand by the Remandee Court shall be positively made within a period of four months from today.

5. Disposed of alongwith all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

January 28, 2025

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No