

**In the High Court of Punjab and Haryana at Chandigarh**

[130]

CWP-789-2025**Date of Decision: 13.02.2025**

KAMAL SINGH

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

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

Present: Mr. L.K.Gollen, Advocate for the petitioner(s).

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Svaneel Jaswal, Addl. A.G. Haryana,
Mr.P.P. Chahar, Sr. DAG, Haryana.
Mr. Saurabh Mago, DAG, Haryana.
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Mr.Nitiesh Yadav, Advocate, appears and files Memo of Appearance on behalf of respondent No.4 in Court today. The same is taken on record.
2. 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 became 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.
3. 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 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 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.



4. 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.

5. 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 persons concerned. The decision, on remand by the Remandee Court shall be positively made within a period of four months from today.

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

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

13.02.2025

Anjal

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