



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

146

CWP-24924-2025

Date of Decision: 16.09.2025

SHARMILA DEVI AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present:- Mr. Vijay Sharma, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. A.G. Haryana and
Mr. Saurabh Mago, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

1. Through CWP No.14297 of 2025, one Rajender Prasad knocked the doors of this Court seeking therein issuance of a direction to Deputy Commissioner, Mahendergarh at Narnaul (for short, 'the DC') to decide his representation dated 04.04.2024, through which he had complained of illegal encroachments on panchayat land not being got removed by Gram Panchayat Village Uninda, Sub Tehsil Ateli Mandi, District Mahendergarh (for short-Gram Panchayat).

2. Rajender Prasad's petition was disposed of by a Division Bench of this Court on 19.05.2025 by directing the DC to decide Rajender Prasad's aforesaid representation by passing a speaking order, preferably within one month from the date of receipt of the said order but only after affording opportunity of hearing to all affected parties.



3. In purported compliance of the order of this Court dated 19.05.2025, the DC first sought and got a report from the concerned Block Development and Panchayat Officer and then, after hearing Rajender Prasad, Sarpanch of the Gram Panchayat and other revenue officials, passed an order dated 25.07.2025, directing the Gram Panchayat to file an application under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961, before the Competent Authority within one week seeking therein cancelling of lease deeds in favour of the petitioners. The order dated 25.07.2025, is the subject matter of challenge, through the instant petition at the petitioners' behest.

4. Learned counsel for the petitioners submits that the petitioners are lessees of the land with regard to which, through the impugned order, the DC has ordered the Gram Panchayat to file proceedings for cancelling the lease; before passing the impugned order, neither any notice was issued to the petitioners nor were they granted any opportunity of hearing and that the impugned order also violates the directions given by this Court through its order dated 19.05.2025 passed in *CWP No.14297 of 2025 Rajender Prasad Vs. Sub Divisional Officer, Narnaul and others*, wherein this Court had specifically directed that before deciding Rajender Prasad's representation, the DC should grant opportunity of hearing to all affected parties which included the petitioners.

5. Learned State counsel very fairly admits that the impugned order violates the principles of natural justice as the same has been passed without any notice to the petitioners or granting them personal hearing.



6. After considering the afore submissions, we find that the impugned order is hit by the principles of natural justice. It also is violative of the directions given by this Court through order dated 19.05.2025, passed in *CWP No.14297 of 2025*. The petitioners being in possession of the land in question were required to be heard before passing of any order to their prejudice. Therefore, the impugned order is set aside with liberty to the DC to pass a fresh order in terms of the directions given by this Court on 19.05.2025 in *CWP No.14297 of 2025*, but only after grant of opportunity of hearing to all affected parties, which include the petitioners, in accordance with law.

7. Disposed of.

[DEEPAK SIBAL]
JUDGE

[LAPITA BANERJI]
JUDGE

16.09.2025

Jyoti Thakur

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No