

2025:PHHC:092825



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

CWP-5857-1995

Date of Decision: 23.07.2025

Panchayat Samiti, Khadoor Sahib Through
Block Development and Panchayat Officer

..... Petitioner

Versus

Secretary, Department of Rural Development
and Panchayats, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajinder Sharma, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

None for respondents No.3 and 4.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 31.10.1994 (Annexure P-11) passed by the learned Divisional Commissioner, Jalandhar

2. Briefly, the petitioner filed an eviction petition under Sections 4 and 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short 'the 1973 Act'), before the learned Collector-cum-District Development and Panchayat Officer, Amritsar, seeking eviction of respondents No.3 and 4 herein from the land measuring 100 Kanal-13 Marla bearing Khasra Nos.50/13/3(5-4), 21/2(4-4), 18(8-0), 14/1(6-2), 22(7-16), 23/1(1-3), 67/5(3-10), 6(7-18), 7/1(2-12), 13/2(1-16),

14(7-14), 17/1(2-13), 65/18(3-12), 68/1(7-11), 2(7-7), 3/1(1-4), 9/1(6-10), 10/1(6-13), 15(8-0), 16/1(2-13) and 13/2(2-1).

2.1 It transpires that the aforesaid eviction petition was allowed vide order dated 14.05.1992 (Annexure P-4) passed by the learned Collector-cum-District Development and Panchayat Officer, Amritsar.

2.2 Feeling aggrieved against the order dated 14.05.1992 (Annexure P-4), respondents No.3 and 4 preferred an appeal under Section 9 of the 1973 Act before the learned Divisional Commissioner, Jalandhar, who vide order dated 31.10.1994, set aside the Collector's order on the ground that it was cryptic and sketchy, and remanded the matter for passing a speaking order after affording opportunity to the parties to lead their evidence afresh.

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Today, there is no representation on behalf of respondents No.3 and 4.

5. I have heard learned counsel for the petitioner and gone through the paper book with his able assistance.

6. In the present case, the learned Collector, Amritsar had ordered eviction of respondents No.3 and 4 from the land in question, vide order dated 14.05.1992 (Annexure P-4). Relevant extract thereof reads as under:-

“The Executive Officer, Panchayat Samiti, Khadoor Sahib submitted an application that the land in dispute belongs to the Panchayat Samiti and its possession be got handed over to the Panchayat Samiti from the persons having illegal possession over it. Today the Counsel were present. Record was seen. As per Revenue Record, this land belongs to Panchayat Samiti and Shri Kulmit Singh son of Shingara Singh and Shingara Singh son of Chanan Singh is dispossessed from

the disputed land who are in illegal possession over the same and, therefore, this right is given to the Panchayat Samiti, Khadoor Sahib. Pronounced. File be consigned to record room.”

7. The aforesaid order (Annexure P-4) has been set aside by the learned Divisional Commissioner, Jalandhar, vide order dated 31.10.1994 (Annexure P-11), by holding that the order is cryptic and sketchy and the matter has been remanded to the learned Collector, Amritsar for passing a speaking order after affording opportunity to the parties to lead their evidence afresh.

8. I have also perused order dated 14.05.1992 (Annexure P-4) passed by the learned Collector, Amritsar, and find that it is indeed cryptic and sketchy.

9. Keeping in view the totality of circumstances, I am of the considered view that the learned Divisional Commissioner, Jalandhar has rightly set aside order dated 14.05.1992 (Annexure P-4) passed by the Collector, Amritsar and remanded the matter for fresh decision.

10. Accordingly, the present writ petition is dismissed.

11. Since the matter is pending since 1990, the learned Collector, Amritsar is directed to make earnest endeavour to conclude the proceedings expeditiously and preferably within a period of six months from the date of receipt of the certified copy of this order.

12. All pending application(s), if any, shall also stand closed.

23.07.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No