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

Date of Decision: 08.01.2015.

1. CWP No.11122 of 1989
 Gram Panchayat, AluhranPetitioner
 Vs.
 State of Punjab & othersRespondents
2. CWP No.14977 of 1989
 Gram Panchayat, AluhranPetitioner
 Vs.
 State of Punjab & othersRespondents
3. CWP No.14078 of 2002
 Harsimran Singh & anotherPetitioner
 Vs.
 Additional Director, Consolidation of Holdings, Punjab & others
Respondents

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Ajaivir Singh, Advocate
for the petitioner(s)-Gram Panchayat.

Mr. R.K.S. Brar, Advocate with
Mr. A.P. Kaushal, Advocate
for the petitioners in CWP No.14078 of 2002 &
for respondent No.3 in 14977 of 1989.

Mr. Vikram Bishnoi, A.A.G., Punjab.

Mr. Gurcharan Singh, Advocate
for respondent No.3 in 11122 of 1989.

1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

SURYA KANT, J. (ORAL)

This order shall dispose of CWP Nos.11122, 14977 of 1989 and

14078 of 2002, as the questions of law and facts involved therein are common in nature. The first two writ petitions have been preferred by the Gram Panchayat of village Aluhran, Tehsil Nabha, District Patiala, impugning the orders of Director, Consolidation dated 30.05.1989 & 19.09.1989 (Annexures P-3 & P-2), respectively. CWP No.14078 of 2002 is a cross writ petition wherein the order dated 29.08.2001 (Annexure P-6) passed in favour of the Gram Panchayat by the Director, Consolidation under Section 42 of the Act is being impugned.

(2) Vide these impugned orders, the Director, Consolidation has accepted the claim towards deficiency of the land allotted at the time of consolidation on account of the alleged mistake committed by the consolidation authorities while determining the boundary lines of villages Chaudhry Majra, Aluhran & Daladhi.

(3) The Gram Panchayat in its two writ petitions as well as one of the private respondent through the 3rd writ petition have without entering into any debate on the merits of the respective claims raised against them, raised a common question of law, namely, whether petition under Section 42 of the Act could be entertained by the Director, Consolidation after an alleged inordinate delay of more than 34 years or so?

(4) In view of the decision of the Hon'ble Supreme Court in **Gram Panchayat, Kakran Vs. Additional Director of Consolidation & another JT 1997(8) SC, 430**, it appears to us that a petitioner who files petition under Section 42 of the 1948 Act is liable to give an explanation for the delay, if any, more so when there is an objection by the opposite party. It would be thus imperative upon the competent authority to decide such an objection with a reasoned order.

(5) Since no such exercise has been undertaken by the Director, Consolidation in the instant cases while passing the impugned orders i.e. two in favour of the private respondents and one in favour of the Gram Panchayat, we set aside all the three orders dated 30.05.1989, 19.09.1989 & 29.08.2001 and remit the cases to the Director, Consolidation, Punjab to decide the petitions afresh after giving an opportunity to the respective petitioners to explain the delay, if any and then to determine whether such petitions could be entertained on merits. The appropriate orders shall be passed by the Director, Consolidation, after hearing the parties within a period of six months from date of receipt of certified copy of this order.

(6) The parties are directed to appear before the Director, Consolidation, Punjab on 06.02.2015.

(7) The parties shall continue to maintain status quo till the matter is decided afresh.

(8) Ordered accordingly.

(SURYA KANT)
JUDGE

08.01.2015
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(RAJ MOHAN SINGH)
JUDGE