

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CWP No.13675 of 1991
Date of Decision: April 01, 2015**

Sain Faqir Shah

....Petitioner

Vs.

The Director, Consolidation of Holdings, Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present: Mr. Sarwan Singh, Senior Advocate with
Mr. N.S. Rapri, Advocate
Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajayvir Singh, Advocate
for the petitioner.
Mr. P.S. Bajwa, Addl. Advocate General, Punjab
Mr. BBS Randhawa, Advocate
Mr. Sanjeev Pandit, Advocate
Mr. Shalindra Sharma, Advocate and
Mr. Balbir Kumar Saini, Advocate
for respondents No.4 to 9.

Rajive Bhalla, J (Oral)

Prayer in this petition is to quash order dated 09.05.1991
(Annexure P-7), passed by the Director, Consolidation of Holdings,
Punjab, Chandigarh.

Counsel for the parties are ad-idem that the Director,
Consolidation of Holdings, had no jurisdiction to adjudicate the dispute
and provide a separate 'Khura' for the private respondents who were
admittedly allotted land, 23 years after conclusion of consolidation
proceedings.

In view of consensus between counsel for the parties, the writ petition is allowed, the impugned order and all orders passed by Consolidation authorities preceding the impugned order are set aside and the application filed before Consolidation authorities is dismissed but with liberty to the private respondents to seek possession of the land on the basis of their allotment by resorting to the procedure prescribed by law, whether by filing a petition for partition or a suit for possession, as prescribed by law.

Before parting with the order, it would be appropriate to record that this order shall not be construed to be an expression of opinion as to the rights of the petitioner, the Wakf Board, the private respondents or the Rehabilitation Department.

(Rajive Bhalla)
Judge

April 01, 2015
vcgarg

(Amol Rattan Singh)
Judge