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

Civil Revision No.5256 of 2014

Date of Decision: 01.12.2015

Himmat

.....Petitioner

vs

Gram Panchayat Rozka Meo

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Amrita Nagpal, Advocate for
Mr. Lokesh Sinhal, Advocate
for the petitioner.

Mr. Rajesh Lamba, Advocate
for the respondent.

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?*

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed order dated 14.03.2014 (Annexure P-5) passed by Additional District Judge, Mewat whereby application filed by the petitioner for correction in the reference petition bearing LAC No.30/2011 as well as in the award dated 17.10.2012 has been declined.

[2]. The Land Acquisition Collector-cum-District Revenue Officer, Mewat (Nuh) submitted Statement No.19 before the Reference Court describing the land to be 17 *Kanals* 3 *Marlas*.

[3]. Learned counsel for the petitioner contends that in the reference petition, a clerical mistake crept in mentioning 12 *Kanals* 10 *Marlas* of land in Rect No.28, Killa No.16/1(4-0), 24(8-0), infact as per Statement No.19, father of the petitioner was shown to be in possession of 28//16/1 (4-0), 24 (8-0), 29//11/2 (5-3) total land measuring 17 *Kanals* 3 *Marlas*.

[4]. Additional District Judge, Nuh based on the petition under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') decided the same vide judgment dated 17.10.2012.

[5]. Learned counsel for the petitioner further contends that since the error was clerical/typographical in nature, therefore, the same can be rectified/corrected in terms of Section 151/152 CPC. Precisely for this relief, application dated 23.11.2012 was moved before the Additional District Judge, Nuh seeking correction in the judgment dated 17.10.2012. The prayer has been declined by the Additional District Judge, Nuh vide order dated 14.03.2014. The present revision petition came to be filed against the aforesaid impugned order.

[6]. Learned counsel for the petitioner states that mentioning of 12 *Kanals* 10 *Marlas* of land in place of 17 *Kanals* 3 *Marlas* of land was on account of clerical error and the same was well within the ambit of Section 151/152 CPC for its correction. The error could not be rectified in time and the

judgment dated 17.10.2012 came to be passed by the Additional District Judge, Nuh.

[7]. Learned counsel for the petitioner contends that the Statement No.19 was prepared by Land Acquisition Collector-cum-District Revenue Officer, Mewat (Nuh) himself in which description of total land measuring 17 *Kanals* 3 *Marlas* has been duly shown with reference to *khasra* nos.28//16/1 (4-0), 24 (8-0), 29//11/2 (5-3). The respondent cannot wriggle out from this admitted position by any stretch of imagination.

[8]. However learned counsel for the respondent has opposed this revision petition on the ground that the error which is now sought to be rectified does not fall under the ambit of Section 151/152 CPC as the powers thereunder can be exercised in case of rectification in order, judgment or award. Since error crept in the petition under Section 30 of the Act and subsequent errors in the order are sought to be rectified, therefore, the petitioner should have sought rectification in appeal against the judgment dated 17.10.2012 by seeking amendment at the appellate stage.

[9]. I have considered the rival submissions made at par.

[10]. In **Ram Kumar vs. Union of India, 1991(1) RRR 548**, the Hon'ble Apex Court has observed that the error in the pleadings made in the reference petition can be allowed to be

rectified and the Government cannot be allowed to take advantage of ignorant agriculturists who were not conversant with the Khasra number of the areas as entered in the revenue record.

[11]. Admittedly, as per Statement No.19, the total area is 17 *Kanals 3 Marlas* which was shown in possession of petitioner and his predecessor, therefore, the pleadings in terms of reference petition under Section 30 of the Act and the judgment passed thereupon on 17.10.2012 can be subjected to necessary correction of clerical mistake by way of invoking powers under Section 151/152 CPC.

[12]. Since the correction of error in the order dated 17.10.2012 is being sought, therefore, the same would suffice to meet the requirement of Section 151/152 CPC as well.

[13]. In view of aforesaid, this revision is allowed. Impugned order is set aside. Application under Section 151/152 CPC filed by the petitioner is hereby allowed. Necessary consequences to follow.

December 01, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE