

314

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9144 of 1987
Date of Decision: 08.01.2015.

Tahal Singh and others

.....Petitioners

Versus

Jagir Singh and others

.....Respondents

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

Present: Mr. Sarbjit Singh, Advocate
for the petitioners.

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

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)

On 13.11.2014, this case was fixed for today to await the service of legal representatives of respondent No.1 (Jagir Singh) who is reported to have died during the pendency of the writ petition. As per the office report one of the daughter of Jagir Singh (Kashmir Kaur) has been duly served but the notices issued to other legal representatives have not been received back served or otherwise. It is also apparent from the order dated 30.05.2014 that the legal representatives of the deceased respondent No.1 themselves did not come forward for their impleadment and having been brought on record by the petitioners only.

(2) Keeping these facts in view, coupled with the nature of order which we propose to pass, it is not necessary to await for the service of other contesting respondents. No one appears on behalf of the served respondent.

(3) The instant writ petition is directed against the order dated 12.10.1987 (Annexure P-4) which was passed by the Additional Director, Consolidation of Holdings, Punjab in purported exercise of the powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948.

(4) Vide the above stated order Killa No.8//6/1 was ordered to be allotted to Jagir Singh-respondent No.1 (since deceased) after taking it out from the allotment already made in favour of the petitioners way back in the year 1959 when the consolidation had taken place.

(5) The Authority while passing the above stated order did not even whisper, what to talk of an explanation, for entertaining the petition under Section 42 after a long delay of more than 27 years. The order is totally cryptic and does not explain as to how the petitioners were to be compensated if Killa No.8//6/1 was to be taken out of their land-holding.

(6) We are thus, of the considered view that the matter requires redetermination at the hands of the competent authority. For the reasons aforestated, and without expressing any views on the alleged entitlement of Jagir Singh (since deceased) for the allotment of any additional land, we allow this writ petition and quash the impugned order dated 12.10.1987.

(7) We are informed that the powers of Director, Consolidation are now exercisable by the Divisional Commissioner. We thus, remit this case to the Commissioner (Amritsar) Division, Amritsar, where the parties are

directed to appear on 16.02.2015.

(8) Since most of the contesting respondents have not appeared, the above-said authority is directed to secure their presence before passing an appropriate order in accordance with law.

(9) In case the Commissioner (Amritsar) Division is of the view that he is not the authority, empowered to decide, he shall forward the case to the competent authority after due intimation to the parties.

(10) Ordered accordingly. Dasti

(SURYA KANT)
JUDGE

08.01.2015

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(RAJ MOHAN SINGH)
JUDGE