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

**CWP No.8390 of 1988 (O&M)
Date of Decision: 26.02.2015.**

Sube Singh and others

.....Petitioners

Vs.

**Additional Director, Consolidation of Holdings, Haryana and
another**

.....Respondents

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

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. B.B.S. Randhawa, Advocate
for the petitioners.

Mr. Deepak Manchanda, Addl. A.G., Haryana.

Mr. D.S. Bali, Senior Advocate with
Mr. Amrinder Vir Singh, Advocate
Mr. Ramesh Hooda, Advocate and
Mr. Sandeep Kotla, Advocate
for respondent No.2.

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)

The instant writ petition filed by 118 petitioners lays challenge to the order dated 25.03.1988 (Annexure P-3) passed by Additional Director, Consolidation of Holdings, Haryana, exercising power of the State Government under Section 42 of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

[2]. Vide the above-stated order the Additional Director upset the Scheme of consolidation prepared in the year 1977, observing that the same could not be confirmed during last 10 years. He further directed that a new Scheme be prepared “from the stage of valuation of lands.”

[3]. The precise grievance of the petitioners is that the Consolidation Scheme which has been set at naught, was just, fair and it being based upon equitable considerations, could be given effect in terms of the report of the Settlement Commissioner, Bhiwani (Annexure P-2).

[4]. The record reveals that this Court on October 26, 1988 stayed operation of the order dated 25.03.1988 passed by Additional Director, Consolidation, Haryana.

[5]. The aforesaid stay order is thus operative from last more than two decades.

[6]. Learned counsel for the parties have not disputed and in fact one of the respondents has placed on record plethora of documents to suggest that during the pendency of these proceedings, several subsequent events including sale of the land, its mortgage, change of possession etc., have taken place. They fairly agree that even the composition of family units has also substantially changed during the last 25 years hence, it would indeed be in the interest of all concerned that the respondent-Authorities

re-visit the whole issue, take notice of all the subsequent events and decide the matter afresh.

[7]. We are also of the considered view that due to passage of time, the report of the Settlement Commissioner, (Consolidation) Bhiwani (Annexure P-2) or the order of the Additional Director, Consolidation, Haryana (Annexure P-3) both have become obsolete and redundant.

[8]. At the time of fresh adjudication, equally important would be to determine the question of entitlement or proportionate share and disbursement of compensation payable to the owners on account of natural calamities etc. The current possession is also a factor to be kept in view while preparing the Scheme.

[9]. In the light of the above made brief observations and ensuring no expression on the merits of the claim of either of the party, we allow this writ petition to the extent that both the above mentioned orders/report of Settlement Officer (Consolidation) Bhiwani, as well as Additional Director, Consolidation, Haryana are set aside and the matter is remitted to the Settlement Officer (Consolidation), Bhiwani, who shall carry out spot inspection, take notice of the subsequent events as well as other relevant factors illustrated above, hear the parties and take an appropriate decision in accordance with law in the best interest of the parties as early as possible but not later than four months from the receipt of a certified

copy of this order.

[10]. *Status quo* shall continue to be maintained by the parties till the matter is re-decided.

[11]. The parties are directed to appear before the Consolidation Officer, Bhiwani on 24.04.2015.

[12]. Ordered accordingly.

**(SURYA KANT)
JUDGE**

February 26, 2015
Atik

**(RAJ MOHAN SINGH)
JUDGE**