

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Writ Petition No.8355 of 1993
Date of Decision: 13.7.2015

Bhola Singh and others ..Petitioners

versus

Additional Director, Consolidation of Holdings, Punjab
and others.

..Respondents

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

Present: Mr. Aakash Singla, Advocate,
for the petitioners.

Mr. P.S.Bajwa, Addl. Advocate General, Punjab
for respondent no.1.

Mr. M.L.Saini, Advocate, for
LRs of respondent no.2.

RAJIVE BHALLA, J. (ORAL)

The petitioners pray for issuance of a writ of certiorari quashing, order dated 23.2.1993 (Annexure P-8), passed by Additional Director, Consolidation, Punjab, ordering corrections in the revenue record.

Counsel for the petitioners submits that corrections, in consolidation proceedings, have been made after 36 years and even otherwise, it is not clear from the impugned order as to what corrections have been made and on what basis. Counsel for the petitioners further submits that the application under Section 42 of

the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as “the Consolidation Act”) was filed after partition proceedings were finalised under the Punjab Land Revenue Act, 1887 (hereinafter referred to as “the 1887 Act”) and ownership of parties was duly recorded in the revenue record. The impugned order correcting the revenue record, divests the petitioners of their property and may, therefore, be set aside.

Counsel for the private respondents submits that apart from the corrections recorded by Additional Director, Consolidation, an inter-parties civil suit, relating to the land in dispute, has been decreed in favour of the private respondents, by holding that the private respondents are owners of the land, in dispute. The dispute, having concluded with the passing of the decree in favour of the private respondents, even if the order passed by Additional Director, Consolidation, is held to be barred by limitation or is said to be without jurisdiction, the title of the parties having been determined by a decree passed by a Civil Court, the present writ petition is, in essence, infructuous.

Counsel for the petitioners is not in a position to deny the aforesaid facts.

We have heard counsel for the parties and perused the impugned order.

The application, under Section 42 of the Consolidation Act, was, admittedly, filed after a delay of nearly three decades. We may, in these circumstances, have set aside the impugned order for

inordinate delay in approaching consolidating authority but for the fact that it is not denied by counsel for the petitioner that the Civil Judge (Junior Division), Phul, District Bathinda, has, vide judgment and decree dated 7.9.2000, passed in an inter-parties suit, held that the private respondents are owners of the land in dispute. The challenge to the impugned order is, in essence, infructuous, find no reason to interfere with the order. The writ petition is, therefore, dismissed.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

13.7.2015
VK