

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.25064 of 2013
Date of Decision: November 30, 2015

Subhash Chand and othersPetitioners

versus

Commissioner, Rohtak Division-cum-Director Consolidation,
Rohtak and others.Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Ashok Kumar, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.
Mr.R.S.Budhwar, Advocate, for respondent Nos.2to8.

:-

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 controversy in the instant case pertains to alleged denial of access to the petitioner's land comprising Khasra No.27 shown in 'Pink' colour in the site-plan (P-3). The land shown in 'Yellow' colour in that site-plan is owned by contesting-respondents.

A perusal of the impugned order dated 21.02.2013 (P-4) passed by the Director, Consolidation-cum-Commissioner, Rohtak Division, reveals that the petitioners have been non-suited on the premise that Khasra Nos.35//3, 7 & 15, which are adjacent to the main road on 'southern' side are also owned by the petitioners, hence there is no basis for them to contend that they do not have any access from the road.

Learned counsel for the petitioners submits and it is so fairly admitted by learned counsel for the contested respondents also that the above-stated khasra numbers are not owned by the petitioners rather the same belong to private-respondents. It is obvious that the first respondent has adjudicated the case by taking into consideration incorrect facts and contrary to the record. For that reason alone, the impugned order cannot sustain.

The writ petition is accordingly allowed; the impugned order dated 21.02.2013 (P-4) is set-aside and the matter is remitted to the Commissioner, Rohtak Division-cum-Director, Consolidation to decide the above-stated controversy afresh and in accordance with law. The Authority shall decide the matter within a period of six months from the date of receiving a certified copy of this order.

Ordered accordingly.

The parties are directed to appear before the above-named authority on 05.01.2016.

[SURYA KANT]
JUDGE

November 30, 2015
mohinder

[HARI PAL VERMA]
JUDGE