

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.23105 of 2015
Date of Decision: November 30, 2015

Shakuntla Devi and othersPetitioners

versus

State of Haryana and othersRespondents

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

Present: Mr.Anil Kshetarpal, Senior Advocate with
Mr.Maninder Singh Saini, Advocate,for the petitioners.

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- 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 prayer in this writ petition though appears to be innocuous but there is something more which can be easily inferred. It may be seen that the petitioners have sought a writ of mandamus to direct the Consolidation Authorities “to deliver possession of the land” allotted to the proprietors pursuant to the consolidation of holdings held in village Dabkoli Khurd, District Karnal.

[2] Though the petitioners claim that the consolidation proceedings have been completed and in view of provisions contained in Section 23 of the Consolidation Act, the Consolidation Officer is required to deliver possession to the proprietors either with their consent and/or otherwise, but the details of Consolidation Scheme or the respective holdings allocated to the petitioners, their khasra numbers etc. are

conspicuously missing.

[3] It further appears that the land allegedly allotted to the petitioners is in occupation of the persons other than the proprietors. If that is so, the status and nature of such possession as well as those who are likely to be affected by the outcome of these proceedings ought to have been made the party-respondents.

[4] The selective information disclosed by the petitioners does not inspire confidence to entertain the instant petition.

[5] Assuming that the relevant information can now be placed on record, yet it appears that the writ jurisdiction is not the appropriate forum to be availed by petitioners. The jurisdiction under Article 226 is not akin to the powers of Executing Court to give effect to the orders, legally or illegally, passed by Statutory Authorities. If an Authority is vested with the power to pass a quasi-judicial order, such Authority would also possess ample powers to give effect to its orders save that such orders are enforceable in law. With liberty to approach the authorities concerned, the writ petition stands dismissed.

[SURYA KANT]
JUDGE

November 30, 2015
mohinder

[HARI PAL VERMA]
JUDGE