

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6554 of 2015 (O&M)

Date of Decision:-7.12.2015.

Balbir Singh

.....Petitioner

Versus

Director, Land Records, Punjab Consolidation Office and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Ms. Amandeep Kaur, Advocate for
Mr. Harsh Bungar, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. G.S. Nagra, Advocate for respondent No.5.

SURYA KANT, J. (ORAL)

1.) This petition is directed against the order dated 26.11.2014 (P-9) passed by Director, Land Records, Punjab, whereby interim stay granted way back on 20.8.2007 was vacated on the ground that it was affecting the rights of the applicant and contesting respondents. It may be mentioned here that petition under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (in short 'the 1948 Act') appears to have been filed by the petitioner against an order dated

13.11.2006 in which the Director, Land Records passed the stay order dated 20.8.2007. The said stay order has now been vacated on application moved by Gurmeet Singh son of Phera Singh @ Pheru-respondent No.5. In our considered view, the Director, Land Records or any other concerned authority under the 1948 Act ought to have decided the main petition itself on merits, instead of vacating the stay order after a period of 7 years. We, thus, allow this writ petition; set aside the order dated 26.11.2014 and direct the Consolidation Officer (to whom the matter was remanded) to decide the matter in accordance with law as early as possible but not later than two months from the date of receipt of certified copy of this order.

2.) Parties are directed to appear before the Consolidation Officer on 18.1.2016.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 7, 2015.

sandeep sethi