

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

Civil Writ Petition No.9182 of 2015

Date of Order: 11.05.2015

Darshan Singh

..Petitioner

Versus

**Director Consolidation, Land Records, Punjab,
Jalandhar and others**

..Respondents

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

**Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.**

RAJIVE BHALLA, J (Oral)

The petitioner, prays for issuance of a writ in the nature of certiorari, quashing order dated 28.01.2015 (Annexure P-1), passed by the Director, Land Record, Punjab (exercising the powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as 'the Act'), whereby his petition, filed under Section 42 of the Act has been dismissed.

Counsel for the petitioner submits that the Consolidation Officer passed an order dated 27.09.1973, transferring the passage from the Northern side of Khasra No.40//21, 22, 30//21 to 25, to the Southern side, but in the process, the petitioner was allotted 13 Marlas less. The petitioner, therefore, approached the Director, Land

Records, for rectification of this error, by filing a petition under Section 42 of the Act. The petition has been wrongly dismissed by holding that if the petitioner was aggrieved against order dated 27.09.1973, he should have filed an appeal and cannot be allowed to upset settled possession and ownership after more than three decades. The Director, Land Records, has ignored that power under Section 42 of the Act to rectify errors in consolidation proceedings may be exercised “at any time”. The petitioner was not aware of the error committed by the Consolidation Officer. The fact that he did not file an appeal against the order passed by the Consolidation Officer, or that the application is delayed, are entirely irrelevant.

We have heard counsel for the petitioners, perused order dated 27.09.1973, passed by the Consolidation Officer and the impugned order.

A perusal of order dated 27.09.1973, reveals that the Consolidation Officer made some changes in the passage, and while doing so, ordered changes in the land allotted to the petitioner. The petitioner accepted the order but after more than three decades, filed a petition under Section 42 of the Act, claiming a shortfall in the allotted land. The Director, Land Records, rejected the petition not only on the ground that the petitioner did not avail the remedy of appeal but also on the ground of delay. It is true that, Section 42 of the Act, empowers the Director to correct errors in consolidation proceedings “at any time” but the expression “at any time” necessarily denotes “reasonable time”, as held by the Hon'ble

Supreme Court in **Gram Panchayat, Kakran v. Additional Director**

of Consolidation, 1997(4) RCR(Civil), 498. The petitioner filed a petition under Section 42 of the Act after a delay of more than three decades. The Director, Land Records, has, therefore, rightly dismissed the petition. We find no reason to hold that the impugned order is in any manner in excess of jurisdiction or illegal.

Consequently, finding no merit in the petition, the same is dismissed.

(RAJIVE BHALLA)
JUDGE

May 11, 2015
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(AMOL RATTAN SINGH)
JUDGE