

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2230 of 1987
Date of Decision:-18.01.2016.

Gram Panchayat Village Kotla Nihang and others

.....Petitioners

Versus

Additional Director, Consolidation of Holdings, Punjab and others

.....Respondents

CWP No.2231 of 1987

Gram Panchayat Village Kotla Nihang and others

.....Petitioners

Versus

Additional Director, Consolidation of Holdings, Punjab 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: Mr. Manmohan Singh, Senior Advocate with
Mr. M.P. Gupta, Advocate for the petitioners.

Mr. K.K. Gupta, Additional A.G. Punjab.

Mr. S.D. Sharma, Senior Advocate with
Ms. Bindu Goel, Advocate for respondent Nos.2 and 3.

SURYA KANT, J. (ORAL)

1.) This order shall dispose of CWP Nos.2230 and 2231 of 1987 as both the cases have originated out of a common cause of action. The facts are being extracted from CWP No.2230 of 1987.

2.) The Gram Panchayat of Village Kotla Nihang and some of the proprietors of that village have laid challenge to the orders dated 7.11.1985 and 11.2.1987 (P-3 and P-5) [in CWP No.2230 of 1987] and orders dated 30.5.1984, 11.9.1984 and 11.2.1987 (P-4, P-5 & P-9) [in CWP No.2231 of 1987] passed by Consolidation Authorities. Vide these orders, Gram Panchayat land measuring 1 *kanal 9 marla* was ordered to be exchanged with land measuring 2 *kanal 8 marla* owned by private respondent Nos.2 and 3. The record reveals that firstly dispossession of the Gram Panchayat was stayed on 21.4.1987 and thereafter, the operation and effect of the impugned order was also stayed on September 21, 1987. The resultant effect is that the disputed land measuring 1 *kanal 9 marla* continued under the ownership and possession of Gram Panchayat.

3.) It is pointed out by learned counsel for the private respondents that during the pendency of this writ petition, the subject area has been included within the jurisdiction of Municipal Corporation, Ropar vide notification dated 17.12.2014 and the land in dispute measuring 1 *kanal 9 marla* also stands transferred to the said Municipal Corporation.

4.) The Municipal Corporation, Ropar is not a party to these

proceedings. Since any finding on merits may affect the rights of the parties including the Corporation, coupled with the fact that there are so many subsequent events which appears to have taken place during pendency of this writ petition when ad-interim stay was operative, we are satisfied that the matter requires re-consideration at the hands of the respondent-Authorities. Consequently, the writ petitions are allowed; the impugned orders dated 7.11.1985 and 11.2.1987 (in CWP No.2230 of 1987) and 30.5.1984, 11.9.1984 and 11.2.1987 (in CWP No.2231 of 1987) are set aside and the matter is remitted to the Director, Consolidation-cum-Land Records, Punjab for deciding the controversy afresh after hearing all concerned including the Municipal Corporation, Ropar.

5.) It shall be appreciated if the matter is decided within a period of six months. Till such decision, the interim orders passed by this Court shall continue to operate.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 18, 2016.

sandeep sethi