

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

1. **CWP No.16648 of 1992 (O&M)**

Amrik Singh Petitioner

versus

Director, Consolidation of Holdings, Punjab & ors. Respondents

2. **CWP No.557 of 1994 (O&M)**

Mahant Rattan Dass & anr. Petitioners

versus

Director, Consolidation of Holdings, Punjab & ors. Respondents

Date of decision: 21.11.2016

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. H.P.S.Ghuman, Advocate for the petitioner (s).

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

Mr. A.P.Kaushal, Advocate for respondent No.2.

Mr. Davinder Kumar, Advocate for respondents No.6 & 7.

Mahesh Grover, J.(Oral)

This order will dispose of two writ petitions bearing CWP Nos.16648 of 1992 and 557 of 1994 as same question of law is involved in both the petitions.

Both the writ petitions are directed against the order dated 07.10.1992 passed by respondent No.1. The dispute centres around the passage, which according to the petitioner, has been earmarked by the Consolidation Department, - a fact refuted by the respondents. Spot inspection was done to ascertain the facts. The Consolidation Officer,

who inspected the spot opined that it was difficult to restore the passage as shown in original records of Consolidation in Killa No.11//7, 14, 17 as its crust 600 ft long, 11 ft wide and 5 to 20 ft deep. He has also stated in his report that a path in Killa No.11/17 has been in existence and is being used and thus, there is full justification in shifting the passage to the one, which is in usage.

The consolidation in this village took place in the year 1956-57 and if the report of the Consolidation Officer suggests that the passage provided during consolidation was impractical then in view of the consistent usage of path in Killa No.11/17, it would be feasible to accept the latest report and accordingly, we find no ground to interfere with the impugned order passed by respondent No.1, even though we are conscious of the view that the scheme of consolidation is not to be disturbed lightly but looking at the practical angle of existence and usage of a passage for a prolonged period, we are of the opinion that path provided during consolidation is no longer relevant to the cause of the villagers and the one which is in usage would subserve their interests better.

Accordingly, both the present petitions are dismissed.

(Mahesh Grover)
Judge

21.11.2016
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(Shekher Dhawan)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No