

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.9584 of 1994
Date of Decision:-11.01.2016.

Karam Singh and others

.....Petitioners

Versus

The Director, Consolidation of Holdings, Punjab, Chandigarh and
others

.....Respondents

(2.)

COCP No.1096 of 2004

Mohinder Singh and another

.....Petitioners

Versus

Karnail Singh 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. C.B. Goel, Advocate for the petitioners.

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

Mr. P.S. Salar, Advocate for respondent Nos.2 and 4.

Mr. Madan Lal Saini, Advocate for respondent
Nos.3 to 7.

SURYA KANT, J. (ORAL)

1.) This order shall dispose of CWP No.9584 of 1994 and COCP No.1096 of 2004 as both have originated out of a common cause of action. The facts are being extracted from CWP No.9584 of 1994.

2.) The petitioners are residents and proprietors of village Narmana, Tehsil Nabha, District Patiala. Their grievance is against the orders dated 4.9.1992 and 25.2.1993 (P-2 and P-3) passed by the Consolidation Officer and the Director, Consolidation, Punjab, respectively. The petitioners allege that vide the impugned orders, the private respondents have got allotted *bachat* land, a part of which is actually in possession of Shri Gurdwara Sahib. It is averred that firstly the land was got allotted in favour of one Waryam Singh who had died 20 years back leaving behind no legal heirs and thereafter a so-called compromise was shown to have taken place before the Director, Consolidation, behind the back of the petitioners and other proprietors who are directly affected by the said compromise.

3.) Heard learned counsel for the parties and record perused.

4.) It does appear from the impugned orders dated 25.2.1993/27.5.1993 passed by Director, Consolidation that some compromise was effected between the litigating parties for adjustment of various *khasra* numbers including that of Waryam Singh son of Billu though he was no longer alive at that time. The

petitioners were not made parties and were not heard at the time of passing of the said order. They are not signatories to the alleged compromise also.

5.) Since, the controversy pertains to allotment/re-distribution of the *bachat* land, there is no gainsaying that the proprietors of the village, including the petitioners, are proper as well as interested parties. They ought to have been heard. It has not been done so. For the reasons aforestated, we allow the writ petition to the extent that the impugned order passed by the Director, Consolidation is set aside and the matter is remitted to that Authority to hear the petitioners as well as other interested persons and if need be, a fact finding supplementary report be also taken on record and thereafter let the appropriate orders be passed after considering the rival submissions. The parties are directed to appear before the Director, Consolidation on 29.2.2016. On the date fixed, the Director, Consolidation shall firstly issue notice to other interested/proper parties and then proceed with the matters, in accordance with law.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 11, 2016.

sandeep sethi