

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

-.-

**C.W.P No. 600 of 1995 (O&M)
Date of Decision: 09.11.2016**

Gajjan Singh & Ors.

.... Petitioners

Vs.

State of Punjab & Anr.

.... Respondents

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

Present: - Mr. A.P.Kaushal, Advocate, for the petitioners.
Mr. Gaurav Garg Dhuriwala, DAG, Punjab

MAHESH GROVER, J.(ORAL)

The petitioner has impugned Annexures P/7 and P/8. The solitary prayer raised before us that while determining the proceedings under Section 42 of the The East Punjab Holdings (Consolidation and Prevention of Fragmentation Act) 1948, the question of title could not have gone into particularly when the dispute was going on between the parties inter se before the Civil Courts. Prior to this order Annexure P/7 had been challenged in appeal bearing No. 18/92, where the prayer was accepted and original petition bearing No.57/92 was required to be determined as a fresh.

Annexure P/9 is result of that reconsideration where the Additional Director has observed as under:-

*“4. From the above discussion, I find that a lot of
civil litigation is going on between the parties and*

question of title is also involved. Therefore, I do not find it proper to interfere in the matter and decided the question of title myself. Therefore, I do not find any justification to interfere with the order of Sh. Amarjit Singh Gulati, IAS, Director Land Records, exercising the powers u/s 42 of the Consolidation of Holdings Act, 1948 which was decided on 6.5.92, which he has passed after perusal of the consolidation record. I also agree with the arguments of the learned counsel for the petitioner that the last purchaser is to be affected. If question of title arises as regards to the vendor's title. Moreover, the petitioner challenged the sale deed issued in favour of the respondent which is the last sale deed. Therefore, I agree with the order of Sh. Amarjit Singh Gulati, IAS, Director Land Records exercising the power u/s 42 dated 6.5.92, which is upheld.

22.3.94”

We are of the opinion that the Additional Director went wrong in affirming the order Annexure P/7, which in any case had been set aside earlier when the matter was remitted back for reconsideration. The finding that authority could not look into the lingering dispute inter se between the parties in Civil Court was correct. But beyond that to say and affirm that order dated 06.05.1992 was incorrect. Consequently, this portion of the

order is directed to be expunged. The parties are already litigating before the Civil Court and the learned counsel for the petitioner is unable to apprise the Court regarding the fate of the same.

Therefore, we dispose of instant petition leaving the parties to the alternative remedy available to them.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

November 09, 2016
tripti

Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No