

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.1155 of 2014

Date of Decision: May 18, 2016

Ishwar and others

....Petitioners

versus

Commissioner, Rohtak Division, Rohtak and another

.....Respondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Govind Rana, Advocate, for
Mr.Harkesh Manuja, Advocate for the petitioners.
Mr.Vijay S.Kajla, Advocate, for
Mr.Kulwant Singh, Advocate, for respondent No.2.

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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?

Surya Kant, J. (Oral)

The petitioners have laid challenge to the order dated 15.11.2012 passed by the Commissioner, Rohtak Division, Rohtak, in exercise of his powers as Director, Land Holdings under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, 'the 1948 Act').

The controversy pertains to '*rasta*' (passage) to the agricultural land of the petitioners. Their land falls in Rect. No.74 and Khasra numbers are stated to be 21(1-0) and 22 (0-11), situated within the revenue estate of Village Babail, Tehsil and District Panipat.

Learned counsel for respondent No.2 points-out that the Director Consolidation, vide another order dated 12.09.2014, passed in Case No.8/13, has remanded the case to the Consolidation Officer to re-examine the issue of 'passage' in respect of Rect. No.74, khasra numbers 19-20-21-22 & 99/1. It is further pointed out that the above-stated order was passed in a case to which the co-sharers of petitioners and respondent No.2 are parties. If that is so, we see no reason as to why the issue raised by the petitioners like lack of passage to their land, be also not examined by the same Authority.

In this view of the matter, we allow this writ petition in part and while setting-aside the order dated 15.11.2012, remit the case to the Consolidation Officer, Panipat who shall consolidate both the cases and decide the petitioners' claim afresh alongwith that of co-sharers of the parties.

Ordered accordingly.

The parties are directed to appear before the Consolidation Officer, Panipat, on 04.07.2016.

[SURYA KANT]
JUDGE

May 18, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE