

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.10168 of 2016

Date of Decision: May 23, 2016

Gurdev Singh

....Petitioner

versus

State of Punjab and another

.....Respondents

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

Present: Mr.Pankaj Jain, Advocate, for the petitioner.

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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 consolidation proceedings in the petitioner's village were held prior to the year 1963 followed by an order dated 14.05.1963 under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, 'the 1948 Act').

The petitioner applied under Section 43-A of the 1948 Act in the year 2013 alleging that deficiency in the allotted area be made good, namely, that the order dated 14.05.1963 has not been given effect so far. It was thus, in a way, an attempt for the revival of the order dated 14.05.1963 on the plea of arithmetic or clerical correction. The authorities have declined to interfere for there was an inordinate delay of over 50 years.

It is true that no limitation period is prescribed to file a petition under Section 42 of the 1948 Act, however, the Hon'ble Supreme Court in **Gram Panchayat Kakran v. Additional Director of Consolidation and another, 1997(8) SCC 484** has held, with reference to Section 42 of the 1948 Act that proceedings need to be initiated within a reasonable period. As the petitioner has failed to show any due diligence and did not initiate appropriate proceedings within a reasonable period, the impugned order calls for no interference.

Dismissed.

**[SURYA KANT]
JUDGE**

May 23, 2016
mohinder

**[A.B.CHAUDHARI]
JUDGE**