

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1690 of 2016

Date of Decision:-28.01.2016.

Manphool Singh

.....Petitioner

Versus

Director General Consolidation, Haryana 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. Ajay Vijarania, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) This is the second writ petition filed by the petitioner seeking a direction for the delivery of possession of the land said to have fallen to his share in consolidation. The previous writ petition was disposed of on October 30, 2015 for want of better particulars but with liberty to the petitioner to initiate fresh proceedings on the same cause of action. This is how the second writ petition has been filed.

2.) The case of the petitioner is that recently consolidation proceedings have taken place in his village and the same are near completion. The Assistant Consolidation Officer as well as

Settlement Officer, Bhiwani are said to have demarcated the petitioner's land-holding as per the new Consolidation Scheme but the petitioner alleges that possession has not been delivered to him.

3.) The petitioner has made allegations against the private respondents for not delivering the possession and also relies upon the averments made in the affidavit filed by the Director General, Consolidation of Holdings, Haryana in **COCF No.248 of 2015 (Gram Panchayat Kakroli Hutty etc. Versus Director General, Consolidation, Haryana)** which are to the following effect:-

*“That it is submitted that four stages of the consolidation proceedings have been completed and most of the right holders have been given possession of their new holdings. The petitioner has also been allotted his new holdings and possession of new holdings has also been handed over to him. It is further submitted that the consolidation work at the 4th stage i.e. **Transfer of possession under Section 23 of the Act** is going on and the proceedings of transfer of possession of remaining land which is about 250 acres will be completed in the month of July, 2015, provided the right holders extend their co-operation and the weather conditions remain in favour. The consolidation proceedings of the remaining two stages of this village will be completed upto June, 2016.”*

4.) We have heard learned counsel for the petitioner. Since we have not called upon the private respondents at this stage as it

would unnecessarily burden them with litigation expenses, it is clarified at the outset that this order shall not be construed as an adverse decision against them and no prejudice shall be caused to them on the basis of the directions issued hereinafter.

5.) Suffice to observe that if the consolidation proceedings qua the petitioner's land-holding are complete and ripe for delivery of physical possession to him and if there is no other legal impediment against such delivery, respondent Nos.2 and 3 are directed to adopt lawful recourse and ensure that physical possession of their respective land-holdings is delivered to the petitioner as well as the private respondents simultaneously. However, if the private respondents have sown crop on the land which has now fallen in the petitioner's holding, let they be allowed to harvest the crop and thereafter only the physical possession be delivered.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 28, 2016.

sandeep sethi