

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

CWP No.19374 of 2014 (O&M)
Date of decision: 18.11.2016

Krishna & anr.

.... Petitioners

versus

State of Haryana & ors.

.... Respondents

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

Present: Mr. Rajiv Sharma, Advocate
for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Dr. Anmol Rattan Sidhu Sr. Advocate with
Mr. Rajesh Narang, Advocate and
Mr. Vibhor Bansal, Advocate for respondents No.6 & 7.

Mahesh Grover, J.(Oral)

This writ petition is directed against the orders dated 25.09.2013 (Annexure P-8) passed by the Director, Consolidation of Land Holdings, Haryana-cum-Commissioner, Gurgaon-respondent No.2, dated 26.02.2013 passed by Assistant Director, Consolidation of Land Holdings – respondent No.3 and dated 22.08.2012 passed by Settlement Officer (Consolidation of Holdings)-cum-District Land Revenue Officer – respondent No.4.

The short question raised by the petitioner is with reference to Annexure P-1 that respondents No.6 & 7 were duly served through regular process and munadi and in the absence of their response, partition was effected which could not have been interfered with in subsequent proceedings in view of the waiver of the rights by respondents No.6 & 7.

In an appeal filed by these two respondents findings were

recorded that these two persons were never impleaded as party in the partition proceedings initiated by the petitioners.

If that be so, then the plea of the petitioner falls flat on his face for. If these persons had never been impleaded as respondents, the question of their service in the partition proceedings would not arise at all.

On 17.09.2014, this Court granted time to the petitioners to verify and place on record the document(s) to show that after execution of the sale deed dated 10.05.2007 (Annexure P-2) in favour of the petitioners, any notice regarding proceedings was given to respondents No.6 & 7 or to show some material to attribute knowledge of proceedings to these two persons. But he failed to adduce any such material.

In fact the petitioner has miserably failed to show any relevant material to offset the finding recorded by one of the authorities that respondents No.6 & 7 were not impleaded as parties in the first instance. More than two years have passed since the pendency of the writ petition and the learned counsel for the petitioner has failed to comply with the order dated 17.09.2014 passed by this Court and equally failed to produce any material in support of his plea noticed above.

Consequently, this petition is held to be devoid of any merit and hence, dismissed.

(Mahesh Grover)
Judge

18.11.2016
sonia

(Shekher Dhawan)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No