

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 20215 of 2015

Date of Decision: 19.10.2016

Om Parkash

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Suvineet Sharma, Advocate
for the petitioner(s).

Mr. Vivek Saini, DAG Haryana
for respondent No.1.

Mr. Pritam Saini, Advocate
for respondents No.2 to 5.

Mahesh Grover, J.

The petitioner impugns order dated 29.4.2015 (Annexure P10), passed by the Commissioner, Rohtak Division, Rohtak while exercising the powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as “the Act”).

The petitioner had moved an application before the said authority contending that he is in possession of 16 marlas of land which, due to a mistake, does not find mention in the *Aks Shijra* of the village. It is specifically pleaded by him that he is in possession of land bearing killa No. 222/25/3. The competent authority noticed the fact to admit a mistake warranting rectification. As against the claim of the applicant, the respondent authority stated that he is in possession of some land i.e. half share of 1 kanal 11 marlas on the basis of sale deed of the year 1984.

The crux of the matter, which emerges from the rival stands of the

respondents, needs to be demarcated and the parties will be restored to their legitimate possession with the rectification in the records. The Commissioner, while disposing of the matter, has observed as under:-

“Hence, these applications are accepted and are remanded to Tehsildar-cum-Consolidation Officer, Meham with the direction that he shall provide adequate opportunity of hearing to the affected parties. If necessary he shall also conduct spot inspection and decide the applications as per consolidation law and the above detailed facts, within 2 months of the receipt of the copy of this order. Both the parties are directed to present before the Tehsildar-cum-Consolidation Officer, Meham on 10.07.2015.”

A perusal of the above would reveal that the Commissioner has adopted a fair stand to protect the rights of both the disputants, who will now get an opportunity to plead and put forward their case in order to establish their rights which, in turn, would be reflected in the records after making the necessary rectification. We, thus, do not find any error in jurisdiction or perversity in the approach of the Commissioner to warrant any interference in this writ petition. However, before parting with our order, we make it clear that expeditious disposal of the controversy would be in the larger interest of the parties. The competent authority shall make every endeavour to do so.

In view of above, the instant writ petition stands disposed of.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

October 19, 2016

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No