

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5454 of 2015 (O&M)

Date of Decision:-28.3.2016.

Surjit Singh and others

.....Petitioners

Versus

Director Land Records, Punjab 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. S.S. Salar, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

None for respondent Nos.2 and 3.

SURYA KANT, J. (ORAL)

1.) The petitioners lay challenge to the order dated 1.10.2014 passed by Director Land Records, Punjab, who in purported exercise of his powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 Act, has allowed the petition filed by respondent Nos.2 and 3 and has directed to provide them passage through the land which is now owned by the petitioners.

2.) Respondent Nos.2 and 3 have chosen not to contest these proceedings.

3.) We have heard learned counsel for the petitioners as well as learned State counsel and are of the view that the impugned order cannot sustain for more than one reasons including the following:-

(i) The passage has been ordered to be granted to respondent Nos.2 and 3 through the petitioners' land though they were admittedly not party to the proceedings;

(ii) Respondent No.2 appears to have misrepresented before the Director Land Records that he is owner of land bearing three *khasra* numbers, namely, 56/14/2, 16/2 and 17. It does appear that his total land holding is more than these *khasra* numbers;

(iii) The consolidation had taken place in the year 1961 whereas respondent No.2 chose to file the subject petition in the year 2007 only. There is no explanation for the inordinate delay;

(iv) The impugned order appears to be an outcome of collusion with respondent No.3 who was the only party-respondent and had conceded the claim of second respondent.

4.) For the reasons aforestated, we are satisfied that the claim of respondent No.2 could not be adjudicated without hearing the petitioners and/or other affected persons. The writ petition is, accordingly, allowed; impugned order dated 1.10.2015 (P-5) is set

aside and the matter is remitted to the Director Land Records at Jalandhar for fresh adjudication, in accordance with law and after hearing the parties concerned including the petitioners.

5.) The parties are directed to appear before the Director Land Records at Jalandhar on 25.4.2016.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 28, 2016.

sandeep sethi