

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

CWP No.8805 of 2015  
Date of Decision:-1.2.2016.

Niranjan Singh and others

.....Petitioners

Versus

State of 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. Vikram Singh, Advocate for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate for  
respondent Nos.21 and 22.

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**SURYA KANT, J. (ORAL)**

1.) Some of the admitted facts are that the consolidation proceedings were conducted in the petitioner's Village Palra, Tehsil Beri, District Jhajjar in the year 1959-60. During the consolidation, the Assistant Consolidation Officer, Rohtak-respondent No.3 is said to have committed a mistake. While he allotted land to the predecessor-in-interest of the petitioners in lieu of the land measuring 7 *bigha* 1 *biswa* out of  *khasra* No.367 and 370 which he had purchased by way of a sale-deed but he did not allot any land to

them in lieu of the land which the predecessor-in-interest of the petitioners were occupying as *gair marusi*.

2.) “When the petitioners came to know about the said fact”, they filed an application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (in short 'the 1948 Act') for correction of the mistake. This application was admittedly filed on 6.1.2009.

3.) The Commissioner, Rohtak Division-cum-Director Consolidation, Rohtak Division, dismissed the application vide order dated 31.1.2013 (P-7) primarily on the ground of inordinate delay of 48 years.

4.) The aggrieved petitioners have approached this Court *inter alia* contending that no period of limitation is prescribed under Section 42 of the 1948 Act and that once a mistake is admitted to have crept in, it is the bounden duty of the Authority to rectify it. It is also claimed that in the record of rights the appropriate allocation was made but neither possession was given nor entries in the record were made. Rather, entry was made in the record in favour of the private respondents.

5.) We have heard learned counsel for the parties and gone through the record.

6.) It is well settled that though there is no period of limitation prescribed to invoke jurisdiction under Section 42 of the 1948 Act but an aggrieved person is obligated to seek shelter under it within a

reasonable period.

7.) The issue regarding limitation is no longer *res-integra* and has been authoritatively answered by Hon'ble Supreme Court in the case of **Gram Panchayat, Kakran vs. Addl. Director of Consolidation and another: 1997 (8) SCC 484** wherein, it has been held that no application under Section 42 of the Act could be entertained after an inordinate delay without any satisfactory explanation. It has further been held that even where no period of limitation is prescribed, the aggrieved party is required to move to the appropriate Authority for the relief within a "reasonable time".

8.) Similarly, in the case of **Gram Panchayat Village Ladhpur vs. State of Punjab and others; 2015 (1) RCR (Civil) 652;** the Consolidation was held in the year 1950-51 but a petition under Section 42 of the Act was admittedly moved by some of the proprietors in the year 1994, which was held to be unreasonable. In the case of **Gram Panchayat of village Hari Nagar Kherki vs. Director, Consolidation of Holdings, Punjab and others; 2004 (4) RCR (Civil) 687;** it was observed that once the consolidation proceedings had been completed in the year 1959-60 and the scheme had already been prepared and implemented then there was no reason as to why the respondents waited for more than 25 years for filing a petition under Section 42 of the Act. By reversing the order passed by Director, Consolidation, an application under Section 42 read with Section 43-A of the Act was dismissed.

9.) Likewise, in the case of **Gram Panchayat, village Shekhupur vs. Union of India and others; 2005 (3) RCR (Civil) 302;** there was an unexplained delay of 40 years and it was observed that an un-explained delay invites summary rejection of the petition under Section 42 of the Act.

10.) The averment that the petitioners approached the Authorities when they came to know the fact is totally vague and evasive. The fact that there was a deficiency in the land in their physical possession since the time of consolidation was known to the petitioners from the very inception. No event on the basis of which they might have acquired the informed knowledge in the year 2009 has been disclosed. In these circumstances, the Authorities have rightly declined to entertain the application.

11.) Dismissed.

**(SURYA KANT)  
JUDGE**

**(P.B. BAJANTHRI)  
JUDGE**

**February 1, 2016.**

*sandeep sethi*