

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3014 of 1998 (O&M)
Date of decision: 18.5.2017

Prem Singh and others

.. Petitioners

v.

Additional Director, Consolidation of Holdings, Punjab & others
.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. S. S. Swaich, Advocate for the petitioners.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Assistant Advocate General,
Punjab.

Mr. Amarjit Markan, Advocate for respondent No. 8.

Rajesh Bindal J.

Challenge in the present petition is to the two order dated 10.9.1996 (Annexures P-5 and P-6), passed by Additional Director, Consolidation of Holdings, Punjab at Mohali (for short, 'the Additional Director') in the petition filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, 'the Act').

The contention raised by learned counsel for the petitioners was that in fact the petition filed under Section 42 of the Act was dismissed as withdrawn by the applicants therein before the Additional Director, however, after his transfer, the aforesaid order was replaced with another order, hence, the same deserve to be set aside.

In response to the petition, the officer concerned, namely, Amrik Singh has filed his affidavit dated 6.7.1998 specifically admitting the

fact that on 10.9.1996, the petition was dismissed as withdrawn and he had signed that order. After his transfer from the post of Additional Director on 3.10.2016, the order available on the file is a forged one. It does not carry his signatures and has been replaced by some person.

Learned counsel appearing for respondent No. 8 submitted that as a consequence of the impugned orders, mutations were sanctioned and thereafter land was purchased by respondent No. 8.

After hearing learned counsel for the parties and considering the aforesaid factual matrix, where the officer concerned has endorsed the stand taken by the petitioners that the impugned orders were not passed by him, rather, the same had been forged by some one after his transfer, in our opinion, orders (Annexures P-5 and P-6) dated 10.9.1996 deserve to be quashed. Ordered accordingly.

As a consequence, any action taken in pursuance of the aforesaid orders will not be given effect to. Any person aggrieved, who may have taken benefit of the aforesaid orders, which have been set aside by this court, may avail of his (their) appropriate remedy in accordance with law.

(Rajesh Bindal)
Judge

(Ramendra Jain)
Judge

18.5.2017
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

