

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.10924 of 2017.

Date of Decision: July 24, 2017

Ram Kaur and others

.....Petitioners

versus

Commissioner, Hisar Division, Hisar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.R.S.Sheoran, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners seek quashing of the order dated 12.01.2017 of the Commissioner, Hisar Division, Hisar purportedly passed in exercise of his powers as Director Consolidation, under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. The petitioners averred in their petition under Section 42 of the Act that at the time of consolidation, which took place in their village in the year 1966-67, their land holding was inadvertently reduced to the extent of 17 marla, for which they were entitled to make the deficiency good. The petition was filed admittedly after more than 46 years. The Director Consolidation, dismissed the same on 04.02.2011 but that order was successfully assailed by the petitioners in CWP No.8899 of 2011 decided on 20.04.2012. This Court remanded the case to the Commissioner, Hisar Division, Hisar to decide it afresh, after observing as follows:-

“.... The Commissioner has recorded a clear finding that there is a short fall of 17 marlas in the petitioners' entitlement which was made good by allotting 2 kanal 2 marlas of land. A perusal of jamabandi for the year 2007-2008 appended with this petition as Annexure P-4

reveals that Khasra Nos.209 and 210 have been allotted to the petitioners measuring 0.13 and 1.0, total measuring 1 kanal 13 marlas. It is apparent that there is a short-fall of 9 marla in the land allotted to the petitioners. We, however, do not express any final opinion, on the merits of the petitioners' claim and while allowing the writ petition and setting aside the impugned order, remit the matter to the Commissioner, Hisar Division, Hisar to decide the petition afresh and in accordance with law.....”

The plea taken before this Court thus was that originally there was a short-fall of 17 marlas in the petitioners' entitlement which was made partly good leaving a short-fall of 9 marlas land. The Commissioner, Hisar Division, Hisar, vide the impugned order dated 12.01.2017 has again turned down the petitioners' claim. The Commissioner, Hisar Division has categorically held (translated version) that “in the Register of Proceedings, the Consolidation Officer has made an entry at Sr.No.115, according to which 17 standard marla land was taken out from the holdings of the petitioners and was given to Ramji Lal etc. and in lieu thereof, another piece of 17 standard marla land was taken out from Ramji Lal's holdings comprising Killa No.134//19 and was given to the Gram Panchayat vide entry at Sr.No.29 as there was deficiency of 15 standard marla land allocated to the Gram Panchayat. Even after taking out 17 standard marla land out of Ramji Lal's holdings, there was no deficiency in the land allotted to the petitioners as they continued to retain 2k-2 marla standard land. There is thus no deficiency in the petitioners' entitlement....”

The Commissioner, Hisar Division, has further observed that the consolidation took place in the year 1966-67 therefore a petition for

We find merit in the reasons given by the Commissioner, Hisar Division as correction, if any, could be sought within a reasonable time. That apart, there is categorical finding of fact that there is no deficiency of land allotted to the petitioners which can be made good at this stage.

Dismissed.

[SURYA KANT]
JUDGE

July 24, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.9500 of 2017 in
CWP No.10924 of 2017

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Ram Kaur and others vs. Commissioner, Hisar Division, Hisar and others

Present : Mr.R.A. Sheoran, Advocate,
for the applicant-petitioners.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the document (P-4) is taken on
record.

CM stands disposed of.

(SURYA KANT)
JUDGE

July 24, 2017
mohinder

(SUDHIR MITTAL)
JUDGE