

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18445 of 2016 (O&M)

Date of Decision: 26.09.2017

Vinay & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Kulvir Narwal, Advocate for the petitioners

Mr. Vishal Garg, Addl. AG Haryana

Mr. Ravinder Malik, Advocate for respondent No.5

SURYA KANT, J. (Oral)

(1) The petitioners have laid challenge to the order dated 28.05.2015 (P2) passed by the Commissioner, Rohtak Division, Rohtak exercising the powers of Director, Consolidation under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. It is observed in the impugned order that earlier an order dated 07.01.1979 was passed to carry out certain corrections. The Assistant Consolidation Officer has accordingly directed to give effect to the said order dated 07.01.1979 and to record mutations as per that order.

(2) It is pointed out by the petitioners that the order dated 07.01.1979 was subsequently modified vide order dated 07.08.1990 (P7) passed by Consolidation Officer, Rohtak which has attained finality. It is contended that the subsequent order dated 07.08.1990 has not been taken notice of by the Commissioner, Rohtak Division, Rohtak while passing the impugned order. The contention is *ex facie* correct. There is no mention of the order dated 07.08.1990 in the impugned order.

(3) In this view of the matter, we allow this writ petition in part; set aside the order dated 28.05.2015 and direct the Commissioner, Rohtak Division, Rohtak to decide the application filed by respondent NO.5 afresh after taking notice of the order dated 07.08.1990 as well as any other relevant materials including demarcation report (R1).

(4) Let an appropriate order be passed after hearing the parties within three months from the date of receipt of certified copy of this order.

(5) Parties are directed to appear before the Commissioner, Rohtak Division, Rohtak on 30.10.2017.

(6) Ordered accordingly.

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Allowed as prayed for.

Written statement filed by respondent No.5 is taken on record.

CM stands disposed of.

(Surya Kant)
Judge

26.09.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No