

CWP-16311-2017

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16311-2017

Date of Decision: July 26, 2017

Sat Narayan and othersPetitioners
Versus
Commissioner, Rohtak Division, Rohtak and anotherRespondents

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

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Vinod S.Bhardwaj, Advocate
for the petitioners.

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SURYA KANT, J.

The petitioners are residents of villages Golpura and Asalwas Maratha, Tehsil and District Bhiwani. It is alleged that though the consolidation took place in their villages in the year 1978, but possession did not exchange hands as no partition was carried out and the proprietors continued in possession of their respective old holdings. In due course of time many of them constructed residential houses also. Some of the residents of the villages thereafter made a representation in June 2013 for cancellation of the Consolidation Scheme of 1978 and requested to prepare a fresh scheme having regard to their respective possession and improvements made at the site. A report was also obtained on 25.07.2013 on such representation. Thereafter this Court in CWP No.25736 of 2013 (**Sat Narayan and others vs The State of Haryana and others**) vide order dated 25.11.2013, issued a direction to the Director General, Consolidation, Haryana, to consider the above-mentioned application and take appropriate decision to redress the grievance of the writ petitioners.

[2] It further transpires that no decision pursuant to those directions have been taken till date and the matter is still pending before the Commissioner, Rohtak Division, Rohtak, who exercises the power of

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Director Consolidation as are vested under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. Meanwhile, due to groupism in the villages, there appears to be lot of bickerings. The Commissioner, Rohtak Division, Rohtak, had earlier directed the parties to maintain status quo re: possession but that order has been vacated. The aggrieved petitioners are before this Court.

[3] Having heard learned counsel for the petitioners, we do not appreciate the recourse adopted by learned Commissioner, Rohtak Division, Rohtak, as instead of deciding the issue of ad interim stay, it would have been most appropriate to decide the main petition, which is stated to be pending since the year 2013 as renewed in March 2017.

[4] Since the residents of the villages are likely to have divergent views and conflicting interests, we do not express any views on merit and dispose of this writ petition with a direction to the Commissioner, Rohtak Division, Rohtak, to decide the pending application(s) by way of a final order in accordance with law and after hearing all concerned, may be in representative capacity.

[5] Let the final order be passed within a period of two months from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

July 26, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |