

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

**C.W.P. No.22554 of 2014
Date of Decision:01.08.2017**

Tara Singh and others Petitioners

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Baldev Singh Sidhu, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. A.P.S. Shergill, Advocate for respondents No.7 to 9.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a writ in the nature of certiorari to challenge the order of the District Revenue Officer, Fazilka dated 01.10.2014 (Annexure P.1)

The controversy started with an application filed by the petitioners for seeking demarcation of the agricultural land as it is alleged by the petitioners that they are the owners of 10 kanal 0 marla situated in Village Jalalabad, District Fazilka. In the past, the demarcation was done but some stakeholders were not associated and thus the matter reached upto this Court and vide order dated 06.08.2013, passed in Civil Writ Petition No.12266 of 2011, the matter was remanded back to the revenue authorities to associate Ashok Kumar son of Jagan Nath and others so that they may not have any grievance left of being condemned unheard. Thereafter, admittedly all the parties were associated in the re-demarcation process and it was done with the help of satellite. The Aks Sajra in this regard was also prepared and is on record at page 81/A. The re-demarcation was not only

done after associating private respondents but also in the presence of the revenue authorities starting from Patwari, Kanungo and the Tehsildar. However, an application was still filed at the instance of the private respondents before the Deputy Commissioner for seeking cancellation of the demarcation report. The said application was referred by the Deputy Commissioner to the revenue authorities much less the SDM Jalalabad who further handed it over to the Tehsildar Jalalabad to comment. The Tehsildar, Jalalabad vide his letter dated 27.06.2014 addressed to the SDM, Jalalabad submitted that the demarcation has been done in accordance with law, therefore, it does not require any further demarcation. However, in pressure of this report and without there being any contrary report, the District Revenue Officer has still passed the impugned order (Annexure P.1) directing that the commission be appointed for demarcation.

Counsel for the petitioners has submitted that the issue of demarcation has been made an unending litigation by the revenue authorities as the private respondents are filing one application after the other before the revenue authorities, as a result thereof, the petitioner who is only having 10 kanals of land is not getting the actual measurement. On the other hand, counsel for the respondent has submitted that there is no error in the order of the District Revenue Officer, Fazilka dated 01.10.2014 which has been impugned herein as he has only ordered of appointment of any other commission and direction has been given to Tehsildar for this purpose.

I have heard counsel for the parties and after examining the record of the case, am of the considered opinion that this type of litigation has to come to an end at one point of time. The matter was before this Court

in the aforesaid Civil Writ Petition No.12266 of 2011 and at that time, all the grievances raised by the respondents were heard, the earlier demarcation report was set aside and the matter was remanded back to the revenue authorities to demarcate the land in question in the presence of all the stake holders much less the private respondents. Thereafter, re-demarcation was done by the revenue authorities in accordance with law and in the presence of the private respondents. Still an application was filed to the Deputy Commissioner for cancellation of demarcation report but instead of cancelling the same himself, he decided to seek the report from the lower revenue authorities and the Tehsildar Jalalabad submitted a specific report that the demarcation has been done in accordance with law, therefore, it does not require re-consideration but still without giving any reason, the impugned order has been passed for appointment of Commission for further demarcation. The approach of the District Revenue Officer in passing the impugned order is not correct as he has not given any reason for not accepting the report of the Tehsildar who had demarcated the land in the presence of all the parties and other revenue authorities. Therefore, the writ petition is allowed and the impugned order is hereby set aside.

August 01, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No