

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21966-2016

Date of Decision: January 17, 2017

Hemraj

.....Petitioner

Versus

Director, Land Records of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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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.Naveen Batra, Advocate
for the petitioner.

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SURYA KANT, J.

The petitioner has laid challenge to the order dated 26.08.2015 whereby the Director, Land Records Punjab has dismissed his petition filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for brevity, 'the 1948 Act'). In this petition the petitioner claimed that though Khasra Nos.418, 427, 748 and 751 are in his possession being the successor of Mangu and Kangna, but at the time of consolidation proceedings held in the village in the year 1968-69, instead of entering these khasra numbers in favour of his predecessors, the same were mutated in the name of one other Kangna son of Saun, who was not even alive at that time.

[2] The aforesaid petition has been dismissed by the authorities

firstly by observing that earlier also a petition under Section 42 of the 1948 Act filed by the petitioner was dismissed. Secondly, the same issue was raised by the petitioner in the civil suit also which too has been dismissed.

[3] We have heard learned counsel for the petitioner. Though a copy of the petition is not readily available with the learned counsel for the petitioner but it is hardly disputed that identical issue was earlier raised. The second petition is, thus, barred by the principle of *res judicata*. Assuming that no such plea was taken in the first petition then the claim is barred by principle of *constructive res judicata*. Further, the petitioner raised identical issue in civil Court also but failed to establish it. He cannot be permitted to shift from one Forum to the other at his will.

[4] There is yet another valid ground to not entertain petitioner's claim. The alleged mistake was committed way back in the year 1968-69. The instant petition has been filed after a long delay of 41 years or so. In view of the decision of the Hon'ble Supreme Court in **Gram Panchayat, Kakran vs Addl. Director of Consolidation**, 1997(8) SCC 484, such a belated claim cannot be entertained.

[5] No case to interfere with the impugned order is made out.

[6] Dismissed.

(SURYA KANT)
JUDGE

January 17, 2017
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(SUDIP AHLUWALIA)
JUDGE

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

Yes/No
Yes/No