

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.2027 of 2017.

Date of Decision: October 09, 2017

Joga Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Sanjay Gupta, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners filed a petition under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, 'the 1948 Act') claiming that in lieu of old khasra No.424, they are entitled to allotment of two new khasra numbers bearing Nos.118 & 117 but they are allotted only khasra No.118 and Khasra No.117 was erroneously shown under the ownership of Gram Panchayat. The mistake was statedly committed at the time of consolidation which took place in the year 1959-60. The petitioners chose to raise such a claim after more than 40 years in the year 2010. Their application has been dismissed by the Director Land Records vide order dated 30.03.2016 on merits as well as in the light of Section 42-A of the 1948 Act whereunder the 'management' and 'control' of subject land vests in the Gram Panchayat and it cannot be partitioned amongst the proprietors.

On merits, it has been held that the petitioners have failed to produce the consolidation record or their entitlement for allotment of additional land over and above what was given to them during

consolidation.

We have heard learned counsel for the petitioners and gone through the record. In our considered view, the application moved by the petitioners is liable to be outrightly rejected on the ground of delay and laches. Even if there is no limitation period prescribed under the 1948 Act, such a petition has to be filed within a reasonable period. The petitioners have no explanation as to why they could not detect the allege mistake for over 40 years. On merits also, nothing has been brought on record to suggest that there was any deficiency in the land allotted to the petitioners at the time of consolidation. Still further, they can have no claim over the land which is owned by the Gram Panchayat. The title dispute between the Gram Panchayat and the proprietors of a village can be adjudicated only by the Court of Collector under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 and no other Authority including the Director Land Records is competent to decide such dispute.

For the reasons afore-stated, we do not find any ground to entertain this writ petition.

Dismissed.

[SURYA KANT]
JUDGE

October 09, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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