

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6728 of 2016 (O&M)
Date of decision: 21.2.2017

Jaswant Singh

.. Petitioner

v.

Commissioner, Hisar Division, Hisar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P. S. Jammu, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana
Mr. J. S. Thind, Advocate for respondent No. 3.

...

Rajesh Bindal J.

The only grievance raised by the petitioner is that in an application filed by respondent No. 3 under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, the Commissioner, Hisar Division, Hisar, vide order dated 11.7.2014, has decided the same without even issuing notice to the petitioner, who is materially affected with the direction issued. The Commissioner directed for providing comfortable passage to respondent No. 3 without hearing the petitioner.

The fact that no notice was issued to the petitioner is not in dispute. The only contention raised by learned counsel for respondent No. 3 was that the Commissioner has directed the parties to appear before Tehsildar-cum- Consolidation Officer for decision of the matter.

After hearing learned counsel for the parties, in our view, order dated 11.7.2014 passed by the Commissioner deserves to be set aside merely on the ground of violation of the principles of natural justice, as it remained undisputed that the order was passed without affording opportunity of hearing to the person affected. The Commissioner in his order has directed for providing passage to respondent No. 3 and has not merely referred the matter to the Consolidation Officer.

As the impugned order has been passed in violation of the principles of natural justice, the same deserves to be set aside. Ordered accordingly. The matter is remitted back to the Commissioner for decision afresh within six months after affording opportunity of hearing to the parties concerned.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

21.2.2017
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

