

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

RSA No.1413 of 2012 (O&M)

Date of decision : 27.11.2017

Mehak Pal and others

...Appellants

Versus

Randhir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Jindal, Sr. Advocate with
Ms. Janya Sirohi, Advocate for the appellants.

Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for respondent Nos.1 to 4.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in regular second appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff had filed a suit challenging the order dated 20.01.2000, passed by the Consolidation Officer.

Both the Courts below have found that the order passed by the Consolidation Officer was beyond his jurisdiction.

The plaintiff was owner of certain land and he was also co-owner in a separate khewat i.e. "Patti Desha". The plaintiff sold 12 kanals and 15 marlas of land to defendants-appellants out of "Patti Desha" vide sale deed dated 03.04.1986. The plaintiff had not sold any property, which was his individual property in a separate khewat.

During the consolidation of holdings, the Consolidation Officer passed an order directing that since the share of the defendants-appellants in “Patti Desha” has been substantially reduced, therefore, other property of the plaintiff would be used to off-set the loss to the defendants-appellants.

The plaintiff filed a suit challenging the aforesaid order passed by Consolidation Officer dated 20.01.2000. Both the Courts below after appreciating the evidence available on the file, decreed the suit filed by the plaintiff and set aside the order dated 20.01.2000. Courts below also held that such order was passed without hearing the plaintiff.

I have heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below as well as the records.

In the considered opinion of this Court, there is absolutely no force in the appeal filed by the defendants-appellants for following two reasons:-

1. The Consolidation Officer while carrying out the consolidation in exercise of powers conferred in the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter to be referred as 'the Act of 1948') has no jurisdiction to pass such an order.
2. The plaintiff had sold his share in land comprised in khewat which was representing “Patti Desha”. It was a “Shamlat Patti” land. No adjustment could be made on account of reduction of the share of the purchaser from the individual proprietary land of the plaintiff.

In view of the above, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

The regular second appeal is dismissed.

27.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No