

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

(1) CWP No.10141 of 1995 (O&M)

Jugraj Singh

....Petitioner

Versus

The Additional Director Consolidation, Punjab and another

....Respondents

(2) CWP No.7594 of 1998 (O&M)

Municipal Council, Mansa through its Executive Officer

....Petitioner

Versus

Additional Director, Consolidation of Holdings, Punjab and others

....Respondents

Date of Decision: 16.08.2018

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Jatinder Nagpal, Advocate for the petitioner
(in CWP No.7594 of 1998).

Mr. Suveer Sheokand, Addl. A.G., Punjab.

MAHESH GROVER, J. (Oral)

This order shall dispose of aforesaid two writ petitions.

CWP No.10141 of 1995 was filed against the order dated

14.03.1995, passed by the Additional Director, Consolidation, Punjab. The

operative part of which is extracted hereinbelow:-

“ I have perused the file and the accompanying record. Vide his order dated 18.7.91 the Consolidation Officer has allotted the land Khasra No.739 (6-12), owned by the municipal committee to the respondent. But the Municipal Committee has not been given an opportunity of hearing. The law of limitation does not apply to such an order passed in one's absence. Hence the order of the Consolidation Officer dated 18.7.91 is set aside and the case is remanded to the Consolidation Officer with a direction that he should decide afresh on the basis of the remand order dated 9.1.91 and both the parties should be given full opportunity of hearing. ”

The directions of remand were effected by holding fresh proceedings by the Consolidation Officer, Mohali, who passed an order on 12.03.1998.

Civil Writ Petition No.7594 of 1998 was filed by the Municipal Council, Mansa against this order and by making a mention of the earlier Civil Writ Petition No.10141 of 1995, both these writ petitions were tagged together.

This leaves us with the situation, where the impugned order in Civil Writ Petition No.10141 of 1995 stands complied with and after remand, as per its directive, a fresh order dated 12.03.1998 has come into being.

In view of the compliance, Civil Writ Petition No.10141 of 1995 has been rendered infructuous and is disposed of as such.

Civil Writ Petition No.7594 of 1998, directed against this order, is totally misconceived.

The subsequent order dated 12.03.1998, passed by the Consolidation Officer, Mohali would be an appealable under the Act. Since

there was alternative remedy available with the petitioner, it ought to have impugned the order before the said Authority.

In view of the availability of the alternative remedy to the petitioner, we dismiss Civil Writ Petition No.7594 of 1998 with liberty to the petitioner to avail alternative remedy available with him.

(MAHESH GROVER)
JUDGE

August 16, 2018
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>