

Sr.No.317

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.1463-1995(O&M)

Date of Decision: 23.01.2018

Himmat Singh and othersPetitioners

versus

State of Punjab and othersRespondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present Mr.Ashok Singla, Advocate for the petitioners.
Ms. Anu Pal, Asstt. AG, Punjab.
Mr.R.L.Sharma, Advocate for respondent no.4.

MAHESH GROVER, J(ORAL)

In this writ petition, the petitioners have impugned the order dated 30.06.1993 where the Consolidation Officer entertained a petition after more than two decades and concluded that corrections be made in the mutation qua the land reserved for common purposes particularly that, earmarked for charand to declare it as being in possession of '*Maqbooja Bashindgan Deh Charand.*' For the purposes of reference, the complete para of the order dated 30.06.1993 is extracted here below:-

“ *I heard the counsels of the parties and perused the record attached with the file. 1889 Kanals 12 Marlas area of khewat no.16/254-55 is shown in the column of possession as Maqbooja Bashindgan Deh Charand as per jamabandi 1961-62. After consolidations jamabandi for the year of 1969-70, the area is shown in the column of ownership as Khud Kashat Ba Maqbooja Malkan. As per the scheme, the previous entry should have been made. In this manner, it appears that the demand of the applicant is genuine.*

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Therefore, I accept the petition and remand the case to the Consolidation Officer with the direction that after enquiring the record in the presence of the parties, the correction be made. Except this, the counsel for the applicant has not pressed any other ground. After hearing the case on 15.06.1993, the said case was fixed for today for announcing order. The order is announced in open Court. The file be consigned in the record room. Order announced.”

Learned counsel for the petitioner contends that the impugned order has been passed with reference to the original record of Consolidation and particularly the scheme reflected, in Annexures P2 to Annexures P7 on record of the present petition.

Learned counsel for the respondents, on the other hand, contends that prior to the consolidation in the year 1962, this land was recorded as *Maqbooja Bashindgan Deh Charand* and consequently after the scheme of consolidation, such an entry could not have been altered. But since it was done, the necessary correction has been made by virtue of the impugned order. He also refers to the civil suit filed by some of the proprietors of the village in the year 1993 which was accepted.

After hearing learned counsel for the parties, we are of the opinion that it is a fit case where we ought to remit the matter back to the Consolidation Authorities to decide the issue by taking into consideration Annexures P2 to P7 as also the civil Court decree as these do not find any mention or consideration in the impugned orders.

The petition is disposed of as above.

We further direct that the Director Consolidation shall look into

the issue by passing an appropriate order after hearing both the parties as expeditiously as possible preferably within a period of six months from the date of receipt of certified copy of the order.

(MAHESH GROVER)
JUDGE

23.01.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No