

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-23448-2015

Date of decision: 03.08.2018

Kitabo Devi & ors.

.... Petitioners

versus

State of Haryana & ors.

.... Respondents

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

Present: Mr. Raman Chawla, Advocate  
for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Mani Ram Verma, Advocate  
for respondent No.4.

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**Mahesh Grover, J.(Oral)**

The petitioners impugned the order dated 22.08.2014 (annexure P-7) passed by the Commissioner, Hisar exercising power under Section 42 of Consolidation Act, 1948.

Respondent No.4, who was an applicant before the Commissioner, had impugned an order of the year 2003 passed by the Consolidation Authority settling the claim of the predecessor-in-interest of both the parties i.e. petitioners and respondent No.4. Thereafter parties continued in the settled possession but after lapse of 9 years, respondent moved an application under Section 42 of the Consolidation Act impugning the order of year 2003. It is pertinent to mention here that the order of 2003 was passed during the lifetime of predecessor-in-interest of the parties and it was after their death (the date, however, of their death is not forthcoming).

The dispute was raised after lapse of 9 years.

To justify the delay, the respondent stated in para 4 of his reply that he came to know about the discrepancy when he got the fard (revenue record).

This seems to be a totally false plea since the respondent sold some portion of his land in the year 2007 and 2011. Evidently, he would be in the know of revenue record and the extent of his possession. Therefore, the plea that is sought to raise i.e. to rectify what he perceives to be an error in the finality of the consolidation proceedings inter se between the predecessor-in-interest of both the petitioners and respondent is a fallacy.

The Commissioner went wrong in reopening the matter after a lapse of 9 years particularly when the parties were in settled possession. There is no mention in the order as to why he has chosen to intervene in proceedings filed much beyond the period of limitation.

We, thus, of the opinion that the interference by the Commissioner is totally unwarranted in the case.

Consequently, the writ petition is allowed and the impugned order is set aside.

**(MAHESH GROVER)**  
**JUDGE**

03.08.2018  
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**(MAHABIR SINGH SINDHU)**  
**JUDGE**

Whether speaking/non-speaking?  
Whether reportable?

Yes/No  
Yes/No