

CWP-2626-2015(O&M)

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Sr.No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-2626-2015(O&M)

Date of Decision: 22.03.2018

Smt. Fimo and othersPetitioners

versus

State of Haryana and othersRespondents

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

Present Mr.Ankur Pandey, Advocate
for Mr. Komal Singh, Advocate for the petitioners.
Ms. Kirti Singh, DAG, Haryana.
Mr.Partap Singh, Advocate for respondents no.4A and 4B.

MAHESH GROVER, J (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 06.08.2014 (Annexure P6), passed by Id. Commissioner, Hissar Division, Hissar.

The dispute was referred to the learned Mediator where a settlement has been arrived at which is on record as mark A, terms of which are extracted here below:-

“a) *Parties have agreed to exclude/give common path falling in killa no.19/2/2/1 measuring 2 Marlas for both the parties in dispute and in lieu of this land second party i.e respondent no.4A and 4B in the instant CWP No. 2626 of 2015 have agreed to give land measuring 2 marla falling in killa no.20/2 in rectangle no.72 falling in Southern side of killa no.20/2 along with 40 yards length arm of the killa running from East to West.*

b) *And whereas second party i.e respondent no.4A and 4B in the instant CWP No. 2626 of 2015 have agreed to give their share of common path total measuring 14 marlas (approximately) half share of which comes to 7 mala i.e ($14/2 = 7$ marlas) falling in killa no.19/1/2 (measuring 4 marlas) and 9 marlas from killa no.18/2 along with 2 marla land described in para no.7(a).*

c) *Since the land is for common path in killa no.18/2, 19/1/2 and 19/2/2 (total measuring 14 marlas) is being shared by the petitioners (first party) and respondent no.4A and 4B so this is a path exclusively used by the above said parties only and none else.*

d) *That the parties in dispute have agreed that the Revenue Authorities to demarcate the land which is to be handed over to the petitioners as described above in their presence by summoning them at the earliest.*

e) *Both the parties have agreed to rectify their revenue record as per this agreement/settlement.*

f) *And hence the second party has agreed to give total 9 marlas of land as described in para no.7(a) and 7(b) of this settlement/agreement.*

g) *That the exchange of land taking between the parties to the dispute total measuring is 16 marlas for the common passage and*

h) *That both the parties have agreed that the exchange that has taken place between them in terms of the order dated 07.02.2009 passed by Director Consolidation Haryana, Chandigarh exercising the powers under Section 42 of the Consolidation Act shall stand cancelled and further any mutation entered into in terms of the order dated 07.02.2009 shall stand cancelled.”*

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In view of the above, we dispose of the petition in terms of the
settlement mark A.

(MAHESH GROVER)
JUDGE

22.03.2018
mamta

(RAJBIR SEHRAWAT)
JUDGE

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