

CWP-1562-2019

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

CWP-1562-2019.

Decided on: April 2, 2019.

Mahavir Singh

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

*** * ***

**PRESENT Mr.V.B.Aggarwal, Advocate,
for the petitioner.**

Mr.Rajiv Doon, Asstt. A.G. Haryana.

JASWANT SINGH, J. (ORAL)

The petitioner is concededly a resident of village Nangal, Tehsil Indri, District Karnal. It is claimed that his father Kantu Ram son of Sujana had purchased land measuring 38 kanals 13 marlas in a restricted auction conducted on 8.12.1970, situated in village Halwana, Hadbast No.105, Tehsil Indri, District Karnal. The prayer is for directing the consolidation authorities to finalise the consolidation proceedings for aforesaid village Halwana, Hadbast No.105, Tehsil Indri, District Karnal, in

a time bound manner.

In view of the nature of the prayer, the learned State counsel was directed to seek instructions from the consolidation authorities with regard to the time needed to complete the consolidation proceedings in aforesaid village Halwana, Hadbast No.105, Tehsil Indri, District Karnal.

At the time of resumed hearing today, learned State counsel has filed an affidavit dated 2.4.2019 of Mr.Nikhil Gajraj, Director Consolidation of Holdings Haryana, Panchkula, which is taken on record. Copy of the same has been furnished to the counsel for the petitioner.

The contents of the affidavit read as under: -

- “1. That notification under Section 14 (1) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, was issued on 10.7.1962, for village Halwana, District Karnal. As on date, no proposal is under consideration of the Government for undertaking consolidation proceedings.*
- 2. That consolidation scheme was prepared and confirmed on 27.9.1962 and thereafter Consolidation proceedings in village Halwana were carried out and finalized and Misal Haqiyat (Consolidation Jamabandi) was prepared in the year 1962-63 and records were consigned to revenue authorities. Thus, the village was handed over to the Revenue Department in the year 1962-63.*
- 3. That when the consolidation proceedings have been completed decades ago even before the allotment of land in question by the Custodian Department, the petitioner is not competent to raise any type of*

objections.”

Keeping in view the aforesaid averments of affidavit, it is apparent that the prayer in the instant writ petition is misconceived.

Counsel for the petitioner has vehemently asserted that the averments made in the affidavit are false. To support his plea, he has made reference to certain orders which we find relate only to updating of *record of rights* under Section 32 of the Punjab Land Revenue Act, 1887 and do not, in any manner, negate the contention of the respondents that consolidation proceedings had been finalized for village Halwana, Hadbast No.105, Tehsil Indri, District Karnal.

In view of above, the instant writ petition is disposed of as infructuous. However, the petitioner is given liberty to seek revival of the writ petition in case he places material on record by making a proper application in respect of the plea that the aforesaid affidavit filed by the Director Consolidation of Holdings Haryana, is factually incorrect.

(JASWANT SINGH)
JUDGE

April 2, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No