

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

(1) **Civil Writ Petition No. 3378 of 2019 (O&M)**
Date of Decision: 07.02.2019

Billu Singh and others

..... Petitioners

Versus

The Director, Land Records, Punjab,
Jalandhar and others

..... Respondents

(2) **Civil Writ Petition No. 3360 of 2019 (O&M)**

Manjit Singh and others

..... Petitioners

Versus

The Director, Land Records, Punjab,
Jalandhar and others

..... Respondents

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

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioners (in both cases).

JASWANT SINGH, J.

1. This common order will dispose of the above-mentioned two writ petitions bearing *CWP Nos. 3378 & 3360 of 2019*, as common questions of law and facts are involved therein.

2. The petitioners Billu Singh and others have filed the instant writ petition(s) vide which they have prayed that respondent No. 1 (The Director, Land Records, Punjab, Jalandhar) be directed to transfer the petition pending under Section 42 of the East Punjab Holding (Consolidation and prevention Fragmentation) Act), 1948 (in short “The

Ram Mandir Jahar Karda Sitasar Committee, Sunam and others” to any other Court of competent jurisdiction. They, *inter alia*, have also sought that all proceeding before respondent No. 1 be stayed till the decision of the instant writ petition(s).

3. The petitioners have preferred a petition under Section 42 of “The Act, 1948” before respondent No.1 for setting aside the order dated 26.08.2009. They have set up ground of attack for setting aside of this order in this manner that they were not given notice before passing of the order by the Director nor were they made party to the petition. Now through this writ petition they are praying that their petition under Section 42 of “The Act, 1948” pending before respondent No.1 be transferred to any other Court as the Presiding Officer is under political pressure and will decide the matter in favour of respondents. Respondent No.1 will not decide the matter on merits rather will decide the petition under the influence of political persons. As such, they have no hope to get justice from the Court of Director Land Records, Punjab, Jalandhar (respondent No.1).

4. Counsel for the petitioners heard.

5. Counsel for the petitioners has argued that respondent No.1 is biased and is acting under the influence of some political persons and in case the petition under Section 42 of “The Act, 1948” is not transferred from its Court to any other of competent jurisdiction, the petitioners will not get justice and there will be a great loss and hardships to the rights of the petitioners. For the dispensation of complete and proper justice, it is necessary that the case be transferred from the Court of respondent No.1 to any other Court of competent jurisdiction. Hence, he has prayed that petition may kindly be accepted.

6. At the very onset of the case, we are of the view that the instant writ petitions deserve to be dismissed.

On perusal of the entire contents of the petition, it appears that allegations against respondent No. 1 are totally baseless and merit less. Nothing has been recorded in the petition that how the petitioners will not get justice from the Court of respondent No.1 and nothing has been recorded in the petitions that under whose pressure, respondent No.1 will decide the cases. No specific name and designation of any political person has been mentioned in the petition and in the absence of giving specific particulars in this regard, this Court fails to understand how the petitioners will not get decision of the case on merits from the Court of respondent No. 1.

We are of the view that the petition(s) for transfer of case must be based on substantive reasons or proof. Mere apprehension in the mind of petitioners is not sufficient to conclude that justice would not be delivered to them.

As such, we are of the view that facts and circumstances do not disclose that there is reasonable apprehension in the petitioners' mind that they would not get a fair and impartial verdict from the Court.

Both the **petitions** are hereby **dismissed**.

(JASWANT SINGH)
JUDGE

February 07, 2019
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(ARUN KUMAR TYAGI)
JUDGE

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