

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

**CWP 13482 of 1999
Date of decision:12.03.2019**

Gram Panchayat, Village Jhemeri through its Sarpanch

.....Petitioner

v.

Addl. Director Consolidation of Holdings, Punjab and others

.....Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
 Hon'ble Mr. Justice Arun Kumar Tyagi**

Present:- None for the petitioner

 Ms. Anu Pal, DAG Punjab for official respondents.

 None for the private respondents.

Jaswant Singh, J. (Oral).

Petitioner-Gram Panchayat, Village Jhemeri, Tehsil and District Ludhiana is seeking a writ of mandamus/prohibition/certiorari for quashing the impugned order dated 17.9.1996 (P-1) passed by Additional Director, Consolidation of Holdings, Punjab under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short Consolidation Act, 1948) whereby land allegedly reserved as shamlat deh has been ordered to be partitioned at the behest of respondents 2 to 31.

Consolidation in the village of petitioner-Gram Panchayat i.e. Jhemeri, Tehsil and District, Ludhiana took place in the year 1962-63 under the provisions of the Consolidation Act, 1948. The land in dispute under the consolidation scheme was reserved for common purposes with ownership

mutated in the name of Gram Panchayat and recorded as shamlat deh, which was being auctioned every year to raise the income of the Gram Panchayat. Private respondents 2 to 31 after a delay of almost 34 years filed a petition under Section 42 of the Consolidation Act, 1948 praying for re-partition of the land, which has been allowed vide impugned order dated 17.9.1996 (P-1).

This Court vide order dated 22.9.1999 issued notice of motion and stayed operation of impugned order P-1 till further orders.

Thereafter vide order dated 9.10.2000 the writ petition was admitted with continuation of stay.

Since the last three dates no one has put in appearance on behalf of the petitioner.

On the last date of hearing i.e. 27.11.2018 the following order was passed:-

“ There is a request for adjournment on behalf of the respondent on the ground that he is in personal difficulty. Otherwise, this is an admitted case in which stay has already been granted by this Court. The Registry has listed this case in the kacha peshi for the purpose of completing the service.

On 03.04.2018, learned counsel for the respondent had taken time to file an appropriate application under Order 5 Rule 10 CPC for effecting the service but no such application has been filed so far.

It is made clear that in case the necessary steps are not taken by the parties to the lis for the purpose of effecting service upon the unserved respondents, then appropriate orders would be passed on the next date of hearing.

Adjourned to 12.3.2019.”

As per office report “no steps has been taken for service”. At the time of hearing today neither anyone has put in appearance on behalf of petition nor on behalf of served respondents.

Thus it is apparent that parties to the *lis* are not interested in pursuing the present petition.

Dismissed in default.

(Jaswant Singh)
Judge

12.03.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No