

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

CWP No.4420 of 2019

Date of Decision:-09.05.2019

Rajeshwar & Ors.

.....Petitioners.

Versus

**Director, Land Records, Punjab, Jalandhar, District Jalandhar &
Ors.**

.....Respondents.

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

Present:- Mr. R.S. Manhas, Advocate for the Petitioners.

JASWANT SINGH, J.

Eight (08) petitioners, who are successors in interest of Chuhar Singh, have filed the instant writ petition seeking issuance of a writ in the nature of Certiorari for quashing the impugned orders dated 12.09.2018 (**P-11**), 18.08.2016 (**P-9**), 20.05.2015 (**P-8**) and 22.07.2014 (**P-7**) passed by Authorities, exercising powers under Section 42 of the East Punjab Holdings (Consolidation & Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the Act, 1948, whereby entries in the revenue records has been corrected in favour of private respondents Kartar Singh and Kirpal Singh, being Lrs of original owner Ram Dass.

Learned Counsel for the petitioners has argued that the

impugned orders are liable to be set aside, being without jurisdiction as vide the impugned orders, the Authorities concerned have decided the question of title qua the land in question, which can be decided only by civil court. It is further argued that the original order of remand dated 05.06.2013 (P-6), passed by Director Land Record, Jalandhar, while exercising powers under Section 42 of the Act, 1948 cannot be taken into consideration, as the same was an ex-parte order and, therefore, the observations made in the said order dated 05.06.2013 (P-6), have been wrongly considered by the Authorities concerned, while passing the impugned orders. Hence prayer has been made for setting aside the impugned orders.

We have heard learned Counsel for the petitioner at length and have perused the paper book. However, we are of the view that instant writ petition is without any merit and, therefore, deserves to be dismissed.

A perusal of the prayer clause and the entire writ petition shows that petitioner has not put to challenge the order of remand dated 05.06.2013 (P-6), whereby for the first time, while exercising the powers under Section 42 of the Act, 1948, the matter was remanded to the Consolidation Officer for deciding the factual aspect by Director Land Records. It is further seen from the order dated 05.06.2013 (P-6), that petitioners were indeed served in the said petition and were being represented through their counsel at one stage. However, they chose to absent themselves subsequently, from the proceedings and, therefore, were rightly proceeded ex-parte. Consequently, the grievance raised qua order dated

05.06.2013 (P-6) is completely misconceived.

As far as the merit of the case are concerned, a perusal of the paper book makes it abundantly clear that consolidation authorities had committed a mistake while preparing the *Khatauni Pamaish*, as instead of entering the name of original owner Ram Dass (predecessor of private respondents), name of son of *Dakhildar* (occupier) namely Dhian Singh son of Chuhru (predecessor of petitioner) was entered. Once the said mistake was brought to the knowledge of the Authorities by the private respondents, i.e. Kartar Singh and Kirpal Singh, the Authorities below were under obligation to rectify the said mistake in the consolidation record, which would subsequently reflect in the revenue record. This mistake has been rightly rectified by them. Thus, the argument that adjudication of title has been done through impugned orders, is completely misconceived as the Authorities have corrected a mistake committed by them in their consolidation record.

In view of the above, finding no merit in the instant writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 09, 2019
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No