

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

CWP 12316/2019

Date of decision:20.05.2019

Balwinder Singh

.....Petitioner

v.

State of Haryana and others

.....Respondents

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

**Present:- Mr.H.S.Dhillon,Advocate for
 Mr.Rajbir Singh,Advocate for the petitioner.**

Jaswant Singh,J,(Oral).

Petitioner is seeking a writ in the nature of mandamus directing respondent no.3-Tehsildar-cum-Consolidation Officer,Indri,District Karnal to decide the application dated 21.2.2018 for deciding the petition(P-3) under Section 42 of the The East Punjab Holdings(Consolidation and Prevention of Fragmentation Act),1948 (for short the Act) in compliance of the order dated 23.11.2007 passed by respondent no.2-Commissioner Karnal Division,exercising the powers of Director Consolidation under Section 42 of the Act.

As per averments made in the petition, Gurcharan Singh-father of the petitioner was allotted land in khasra no.58/14 (0-19) Standard "C" class by Consolidation Officer,Rohtak vide order dated 21.7.2003. Thereafter, in a petition under Section 42 of the Act filed by Hari Chand land owner of Village Kalsora, Gurcharan Singh-father of the petitioner was further allotted land measuring 1 kanal 10 marla Standard of "C" Class in khasra no.58/14 in Ladi no.455. Subsequently, one Rishi Pal and othes filed CWP 6598/2004 in this Court regarding the land of "B" and "C" class of village Kalsora,in which parties were directed to maintain status quo. It is further averred that vide order dated 20.01.2015, Consolidation

Officer,Indri without issuing notice to the petitioner deleted the area allotted to the father of the petitioner in khasra no.58/14. Aggrieved against the same petitioner filed appeal before respondent no.2 on 27.7.2016(P-1). The appeal was allowed vide order dated 23.11.2017(P-2) and case remanded back to Consolidation Officer,Indri for fresh decision on merits by passing a speaking order. Thereafter petitioner filed application dated 21.2.2018(P-3) before Consolidation Officer,Indri for deciding the matter afresh, as directed by Commissioner,Karnal, but till date no action has been taken on his application P-3. Hence the present petition.

Vide order dated 10.5.2019, Mr.Rajiv K. Doon, Assistant Advocate General was directed to seek instructions with regard to time needed for deciding the application under Section 42 of the Act filed on 21.2.2018.

At the time of hearing today,learned State counsel, on instructions submits that the needful shall be done within six months.

In view of the statement made by learned State counsel, the present petition is disposed of as infructuous with a direction to authority concerned to decide the application under Section 42 of the Act filed on 21.2.2018 within a period of six months from the date of receipt of certified copy of this order.

(Jaswant Singh)
Judge

20.05.2019.
joshi

(Arun Kumar Tyagi)
Judge

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