

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

**RA 249/2019 in
CWP 25816 of 2012**

Date of decision:29.05.2019.

Shri Balbir Singh and others

.....Applicants

V.

Director,Consolidation of Holdings and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Hon'ble Mrs.Justice Rekha Mittal

Present:- Mr.Gautam Kaile,Advocate for the applicants

Jaswant Singh,J,(Oral).

Petitioners Balbir Singh,Mohan Lal and Prem Chand, residents of Village Salola,Tehsil Naraingarh, District Ambala filed CWP 25816 of 2012 seeking a writ of mandamus directing the official respondents to complete the consolidation work in the Revenue Estate of Village Salola within a specified period. It was case of the petitioners therein that long pendency of consolidation proceedings and the absence of any definite revenue documents had led to illegal encroachments and a situation of utter confusion as to the rights of the ownership and possession.

A Division Bench of this Court, after hearing both sides disposed of the said writ petition vide order dated 12.2.2013 by directing the official respondents to ensure that in the absence of any legal impediment, consolidation proceedings to conclude within one year.

Now applicants-123 in number and residents of Village Salola have moved the instant application for review of the order dated 12.2.2013 on the ground that the same is void being in violation of the principles of natural justice, as though they were also right holders of the village yet they were not impleaded as party and are adversely affected by the said order.

It is not disputed that CWP 15126/2004 was filed by similarly situated right holders of the village challenging legality of the notification dated 24.7.2003 issued under Section 14 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 initiating the consolidation proceedings in Village Salola and was dismissed on 20.11.2006.

A perusal of previous orders passed in the writ petition reveals that around 111 similarly situated residents and right holders of Village Salola had moved two applications bearing CM Nos.8717 and 8718 of 2013 seeking their impleadment as party respondents as also modification of the aforesaid order dated 12.2.2013 seeking recalling of the directions for consolidation in view of the rights holders being in peaceful possession of their holdings since last 62 years after the previous consolidation in the year 1950-51 and as per

aks sajra. Similar prayer was declined vide order dated 5.5.2013.

Order dated 5.7.2013 passed in CM 8717/2013, for ready reference, reads as under:-

Prayer in this application is to recall/modify order dated 12.2.2013, whereby the respondents were directed to conclude consolidation proceedings, within one year.

Counsel for the applicants submits that as consolidation proceedings were carried out in the year 1950-51 and the petitioners are cultivating their land, the impugned order may be recalled/modified and the respondents may be directed to drop consolidation proceedings.

We have heard counsel for the applicants.

Apart from the fact that the applicants are not parties to the writ petition, it would be appropriate to point out that Civil Writ Petition No.15126 of 2004, challenging the legality of notification, issued under Section 14 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, dated 24.7.2003, initiating consolidation in Village Salola, was dismissed on 20.11.2006. The application, in hand is an attempt to thwart consolidation proceedings, which have been pending for about a

decade.

Dismissed.”

At the outset counsel seeks permission to withdraw the Review Application with liberty to seek appropriate remedy, if any, in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

(Jaswant Singh)
Judge

29.05.2019.
joshi

(Rekha Mittal)
Judge

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