

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

CWP No.24919 of 2017(O&M)

Date of Decision:-13.05.2019

Sukhchain Singh.

.....Petitioner.

Versus

**Director Land Records, Punjab, Office at Kapurthala Road, Jalandhar
District Jalandhar & Anr.**

.....Respondents.

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

Present:- Mr. Ashok Singla, Advocate &
Mr. Ankush Singla, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

CM No.4767 of 2019

Instant CM has been filed under Section 151 CPC for placing on record additional documents i.e. demarcation report dated 17.01.2018 Annexure **P-2**, map Annexure **P-3**, Photographs of Khasra No.177//1 (6-10) 2 min (5-2) as Annexure **P-4**, Photographs of Khasra No.177//2 min (3-10) and 177//3 (8-0) and Khasra No. 259 (11-12) as Annexure **P-5** and jamabandi for the year 2009-10 as Annexure **P-6** respectively.

For the reasons stated in the CM duly supported by affidavit of petitioner, the CM is allowed subject to all just exceptions and aforesaid documents i.e. demarcation report Annexure **P-2**, map Annexure **P-3**, Photographs of Khasra No.177//1 (6-10) 2 min (5-2) as Annexure **P-4**,

Photographs of Khasra No.177//2 min (3-10) and 177//3 (8-0) and Khasra No. 259 (11-12) as Annexure **P-5**) and jamabandi for the year 2009-10 as Annexure **P-6** respectively are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

MAIN CASE

1. Petitioner-Sukhchain Singh son of Krishan Singh is stated to have purchased land from previous owner Jagtar Singh etc., vide sale deed executed in the year 2005-06 comprised in Khasra No.177//1 (6 Kanal 10 Marlas), 177//2 (8 Kanal 12 Marlas) and 177//3 (8 Kanals) total measuring 23 Kanals 2 Marlas situated in village Khadial, Tehsil Sunam, District Sangrur. The petitioner was recorded as owner with possession of the aforesaid land in *Jamabandi* (P-6) for the year 2009-10. Infact the petitioner has also mortgaged 8 Kanals comprised in Khasra No.177//3 to Punjab National Bank vide mortgage deed dated 16.01.2010.

2. Petitioner claims to have got done demarcation of his area on 29.05.2011, whereby it came to his notice that his possession of 11 Kanals and 2 Marlas out of his total land was over land comprised in Khasra No.259 qua which the ownership was recorded in favour of Gram Panchayat, whereas the petitioner is recorded as owner of equivalent portion of 11 Kanals and 2 Marlas in Khasra No.177//1 & 2 but the said area at the spot is under the possession of a pond and *Gugga Mari*. Based on the said demarcation report the petitioner filed an application under Section 42 of The East Punjab Holdings (Consolidation & Prevention of Fragmentation) Act, 1948 (for short 'the Consolidation Act, 1948') seeking correction of the mistake in the consolidation proceedings and the consequent revenue record. The Director Land Records vide impugned order dated 01.07.2015

(P-1) dismissed the said application. The operative part of the order reads as under:-

“ Arguments of the parties were heard and the record on the file was perused and petitioner prayed that Khasra No.259 (11 Kanal-2 Marla) be entered in his ownership and in lieu of this Khasra No.177//1, 2 (11 Kanal 12 Marla) be entered in the name of Gram Panchayat.

Counsel for the respondent in his arguments stated that the area was allotted during consolidation, is wrong as he by referring Jamabandi for the year 1999-2000 of Khewat no.1512 submitted that the petitioner after completion of the consolidation process in the village purchased Khasra No.177//1, 2, 3 (area 23 Kanal-2 Marlas) and mutation No.8940/B in this regard was entered. Petitioner had purchased the said area after seeing the spot and had taken possession thereof and now the petitioner want to take area of the Gram Panchayat which is not correct and for these reasons, petition is liable to be dismissed.

The contention of the petitioner that the area was allotted to him during the consolidation process, is wrong and against record. The petitioner after completion of the consolidation process in the village purchased Khasra no.177//1,2,3 (area 23 Kanal-2 Marlas) and mutation no.8940/B in this regard was entered. Petitioner through his petition wants to exchange the land with Khasra No.259 (11K-12M) of Gair Mumkin Pond, which is not within the jurisdiction of this Court. For these reasons, petition is liable to be dismissed and the same is dismissed. Order is pronounced. File be consigned to the record room. ”

3. Counsel for the petitioner by referring to the fresh demarcation report dated 17.01.2018 (P-2) has tried to stress upon the correction of the revenue record based on the situation existing at the spot.

exercise of Jurisdiction under Section 42 of the Consolidation Act, 1948 for the claimed relief, learned Counsel for the petitioner prays for permission to withdraw the present petition to enable his client to pursue his case for exchange of land with the Gram Panchayat under the relevant statute in view of the ground realities existing at the spot.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 13, 2019
Vinay

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