

CWP-2856-2017 (O&M)

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

**CWP-2856-2017 (O&M).
Decided on: April 30, 2019.**

Gurpal Singh and others

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.Rajiv Sidhu, Advocate,
for the petitioners.**

**Mr.Rajiv Doon, Asstt. A.G. Haryana,
for official respondent Nos.1 and 2.**

**Mr.Dheeraj Kumar Narula, Advocate,
for respondent Nos.3 to 5.**

JASWANT SINGH, J. (ORAL)

CM-5706-CWP-2017

Prayer in the misc. application moved under Section 151
CPC, is for placing on record true translated copy of sale deed dated
13.12.1979 (Annexure P7) along with Vernacular as also copy of ***Musavi***

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(Annexure P8).

Misc. application is allowed.

Annexures P7 and P8, are permitted to be taken on record.

Main Case

Gurpal Singh and Amarjeet Singh (petitioner Nos.1 and 2) are sons of Kaushlya Rani and Jangir Singh (petitioner Nos.3 and 4).

Jangir Singh (petitioner No.4) is stated to have purchased 39 kanals and 14 marlas of land being half share of total land measuring 79 kanals 8 marlas comprised in Killa No.8//15/6-7, 16/9-12, 24/5-6, 25/8-0, 10//3/2-2, 5/8-0, 11//1/7-11, 10-11/16-0, 7//20-21/16-0, situated in village Farwai, Tehsil and District Sirsa, along with rights to the passage, canal water, trees etc. vide sale deed dated 13.12.1979 (Annexure P7), from the vendees of the original owner – Smt. Bhuri Devi at the time of consolidation in the year 1961-62. The petitioners claim to be using a passage passing through Killa No.4, as per practice, however, not provided for in the consolidation scheme. Since family members of one Jetha Ram – private respondent Nos.3 to 5, had started obstructing the passage, petitioners filed an application under Section 42 of the East Punjab Consolidation of Holding Act, 1948, seeking providing of a path which was inadvertently not provided for access to the aforesaid fields to the original owner Smt. Bhuro Devi. The said application was dismissed vide impugned order dated 14.9.2016, (Annexure P) passed by the Commissioner, Hisar Division,

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Hisar, on the ground that a co-sharer of the total land comprising in the land in dispute has made a similar prayer way back in the year 1984, which was then declined by passing a speaking order. That apart, the application was found hit by the principle of delay and latches, hence, the present instant petition.

Upon notice, separate replies have been filed by the official – private respondents contesting the claim. However, during previous proceedings before this Court, the parties were referred to the Mediation and Conciliation Centre of this Court for amicable settlement in view of the petitioners being ready and willing to compensate the private respondents either in terms of money or land in exchange for the land to be provided for a passage to have proper access to their aforesaid fields.

As per the report, the parties have arrived at a settlement in terms of written settlement dated 26.3.2019, at **Flag A** of the Mediator Report.

In terms of the written settlement dated 26.3.2019, it has been agreed that the petitioners would give three times the land i.e. 78 marlas in lieu of 26 marlas of land for a passage to be provided by the private respondents.

At the time of hearing, counsel for both the parties pray that the instant writ petition be disposed of in terms of the written settlement deed dated 26.3.2019.

In view of the agreed stand, instant writ petition is

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disposed of in terms of the written settlement deed dated 26.3.2019. The parties will remain bound by the terms and conditions of the written compromise dated 26.3.2019, available at Flag-A.

(JASWANT SINGH)
JUDGE

April 30, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No