

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

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**CWP-27524-2018 (O&M)
Date of Decision : 09.04.2019**

Dharampal and others

... Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioners.

Mr. S.S.Pannu, DAG, Haryana.

Mr. Jaivir Yadav, Advocate for respondent No.4.

RAKESH KUMAR JAIN, J.(ORAL)

The present petition is filed to challenge the order dated 12.06.2018 passed by Commissioner, Gurgaon, Division Gurgaon, by which he has set aside the order dated 29.11.2006 passed by the Director, Consolidation Haryana after a period of 12 days without there being an application for condonation of delay.

It is submitted by the petitioners that there was deficiency of one Kanal, 10 Marlas (standard area) equal to 2 Kanal 19 Marla (ordinary area) at the time of consolidation. They moved an application to the Consolidation Officer for making good the deficiency. Their application was allowed by the Consolidation Officer on 18.12.2007. In pursuance thereof, the mutation was also sanctioned but the said order was set aside on

a petition filed by the Gram Panchayat under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation Act) 1948, on 12.06.2018.

Aggrieved against the said order, the present petition has been filed. During the pendency of this petition, following order was passed by this court on 13.03.2019.

"After hearing learned Counsel for the parties, it transpires that there can be no dispute with regard to the entitlement of the petitioner for allotment of 1 Kanal and 10 Marlas of Standard Area being a deficient allotment at the time of consolidation.

Counsel for the Gram Panchayat prays for time to have a relook at the allotment made vide order dated 18.12.2007 (P-5) which appears to be correct, in the light of today's consideration before this Court.

List on 05.04.2019.

To be shown in urgent. "

Thereafter, counsel appearing on behalf of the Gram Panchayat has filed the affidavit of the Sarpanch of the Gram Panchayat, Rambas today in court along with the resolution dated 01.04.2019 passed by the Panchayat as per which land given to the petitioners falling in killa No. 24/8/2 and Killa No. 25, Musatil No. 39 has been offered to the petitioner, in lieu of land falling in killa Nos. 20 and 21. One of the petitioner, namely, Dharampal is present in the court who has accepted the offer made by the Gram Panchayat vide resolution dated 01.04.2019 in regard to the completion of their land which was deficient by 1 Kanal 10 Marla (standard area) falling in Killa No. 24/8/2 and Killa No. 25, Musatil No. 39.

In view thereof, the present petition has become infructuous. But at the same time, Consolidation Officer is directed to make necessary entry in the record of rights of the parties.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

09.04.2019
pooja saini

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>