

CWP-1722-2019 (O&M)

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

**CWP-1722-2019 (O&M).
Decided on: January 22, 2019.**

Ankit Thatai

.. Petitioner

VERSUS

Director Land Records cum Director Consolidation, Punjab and Ors.

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.C.M.Munjal, Advocate,
for the petitioner.**

JASWANT SINGH, J. (ORAL)

Petitioner is stated to have become the owner in possession by virtue of decree got executed between the shareholders of land measuring 16 kanals and 1 marla out of total land measuring 26 kanals and 18 marlas, inherited by the original land owners at the time of consolidation and thereafter sold to one Tara singh who in turn sold it to Vinod Kumar i.e. ancestor of the present petitioner. The dispute has occurred because of a water course running at the spot.

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The petitioner claims that the water course was running in the adjoining Khasra No.90//5/1, whereas the record shows that the said water course runs to the middle of Khasra Nos.89//1/1 and 1/2, thus dividing the land owned by the petitioner in half.

Due to aforesaid discrepancy in record, the petitioner filed an application under Section 42 of **the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948**, (for short 'the Act') seeking correction of the revenue records and the same has been dismissed vide **impugned order dated 26.9.2018 (Annexure P7)**, inter alia, on the ground that the application was not maintainable as the same has been filed after 50 years of the Consolidation Scheme having been finalized.

At the time of hearing, counsel for the petitioner realising that as per the Act, this Court is not the appropriate forum, prays for permission to withdraw the instant writ petition to enable his client to seek his remedy, in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

January 22, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No