

CWP-10410-2018

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

**CWP-10410-2018.
Decided on: April 11, 2019.**

Anand Prakash

.. Petitioner

VERSUS

State of Haryana etc.

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.V.B.Aggarwal, Advocate,
for the petitioner.**

Mr.Rajiv Doon, Asstt. A.G. Haryana.

JASWANT SINGH, J. (ORAL)

The petitioner claims that after declaration of “*Dixit Award*” village Kamalpur was bifurcated into two parts one known as village Kamalpur which fell to the State of Uttar Pradesh and other known as Kamalpur Gadoria, Hadbast No.108, District Karnal and as per jamabandi for the year 1997-98 (Annexure P1), the land of the petitioner has been demarcated in village Kamalpur Gadoria which shows the name of the father of the petitioner. The detail of the land of the petitioner is Khatoni

No.17, Khasra No.21/22, 23, 24, 23//4, 25/10, total Kitta 5, and total land 33 kanals 0 marla. The prayer is for directing the consolidation authorities to finalise the consolidation proceedings for aforesaid village Kamalpur Gadhria, Hadbast No.108, District Karnal, in a time bound manner.

In view of the nature of the prayer, the learned State counsel was directed to seek instructions from the consolidation authorities with regard to the time needed to complete the consolidation proceedings in aforesaid village Kamalpur Gadhria, Hadbast No.108, District Karnal.

At the time of resumed hearing today, learned State counsel has filed an affidavit dated 11.4.2019 of Mr.Nikhil Gajraj, Director Consolidation of Holdings Haryana, Panchkula, which is taken on record. Copy of the same has been furnished to the counsel for the petitioner.

The contents of the affidavit read as under: -

“1. That notification under Section 14 (1) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, was issued on 10.7.1962, in respect of village Kamalpur Gadhria, Hadbast No.108, Tehsil Indri, District Karnal. .

2. That consolidation scheme was prepared and confirmed on 22.9.1964 and thereafter Consolidation proceedings in village Kamalpur Gadhria were carried out and finalized and Misal Haqiyat (Consolidation Jamabandi) was prepared in the year 1964-65 and records were consigned to revenue authorities. Thus, the village was handed over to the Revenue Department in the year 1964-65.

3. That the petitioner has misinterpreted the

notification dated 9th August 2011, issued under Section 32 of Punjab Land Revenue Act 1887 as initiation of consolidation proceedings, afresh vide which it has been ordered by the Commissioner, Rohtak Division Rohtak to District Revenue Officer that as per orders of Hon'ble High Court of Punjab and Haryana, rights of ownership of shamlat land keeping in view Dixit Award whereby boundaries of Uttar Pradesh and Haryana State has been permanently fixed are to be given to the land owners after adopting due course of laws whereas the Consolidation Proceedings has already been finalized way back in 1964-65.

4. That the orders dated 9th August 2011 Annexure P6, is self speaking which does not amount to carry out consolidation proceedings in village Kamalpur Gadarian”

Keeping in view the aforesaid averments of affidavit, it is apparent that the prayer in the instant writ petition is misconceived.

Counsel for the petitioner has vehemently asserted that the averments made in the affidavit are false. To support his plea, he has made reference to certain orders which we find relate only to updating of *record of rights* under Section 32 of the Punjab Land Revenue Act, 1887 and do not, in any manner, negate the contention of the respondents that consolidation proceedings had been finalized for village Kamalpur Gardian, Hadbast No.108, Tehsil Indri, District Karnal.

In view of above, the instant writ petition is disposed of

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as infructuous. However, the petitioner is given liberty to seek revival of the writ petition in case he places material on record by making a proper application in respect of the plea that the aforesaid affidavit filed by the Director Consolidation of Holdings Haryana, is factually incorrect.

(JASWANT SINGH)
JUDGE

April 11, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

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