

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

**C.W.P. No.10901 of 2020
Date of Decision:30.07.2020**

Rajbir and another ...Petitioners

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Randhir S. Hooda, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 07.06.1985 (Annexure P-1), order dated 25.05.1987 (Annexure P-2) and order dated 26.11.2019 (Annexure P-3) passed by the Additional Director, Consolidation of Holdings, Haryana, the Consolidation Officer, Gurugram and the Commissioner, Gurugram Division, Gurugram respectively.

In brief, the consolidation of holdings in village Berka, Tehsil Sohna, District Gurugram was carried out in the year 1956-57. One Bhagwat Singh S/o Gopal Singh filed an application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the "Act") on the ground that because of the consolidation in village Berka and adjoining villages of Sohna and Khaika, the boundaries of village

Berka has been wrongly fixed and the location of phirni has also been wrongly fixed. The Additional Director, Consolidation of Holdings, Haryana, vide his order dated 07.06.1985, relying upon the report of the Consolidation Officer, Karnal dated 19.11.1984, accepted the application and remanded the case back to the Consolidation Officer, Karnal to re-fix/re-determine the boundary of villages, Berka, Sohna and Khaika. After the remand, the Consolidation Officer, Gurugram passed the order dated 25.05.1987. Three persons, namely, Rajbir, Ompal and Santa filed appeal against the orders dated 07.06.1985 and 25.05.1987 before the Commissioner, Gurugram Division, Gurugram.

During the pendency of the said appeal, Bhagwat Singh S/o Gopal Singh, who had filed the application under Section 42 of the Act, also became a party. It was found by the Commissioner that appellant no.2 has withdrawn his appeal and insofar as the land of appellant no.1 is concerned, it did not touch phirni no.32 nor any land has been taken by the impugned orders. It was also observed that there is no land in the name of appellant no.3 because he had already transferred his land in favour of Khajan S/o Tota vide mutation no.518 dated 15.12.1987. The Appellate Court, thus, found the appeal to be highly belated having been filed in the month of August 2018 challenging the orders dated 07.06.1985 and 25.05.1987 and dismissed the same on the ground of delay.

Though the learned counsel for the petitioners has vehemently argued but he has miserably failed to persuade the Court to entertain the writ petition against the order of the Commissioner dated

26.11.2019 by which the appeal filed by them, after a delay of 31-32 years, was dismissed on the ground of delay.

No other argument has been raised.

In view of the aforesaid facts and circumstances, there is hardly any merit in this petition and hence, the same is hereby dismissed, though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

July 30, 2020
Vinod*

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No