

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

**Civil Writ Petition No. 21158 of 2020 (O&M)
Date of Decision: 09.12.2020**

Smt. Nanki Devi

..... Petitioner

Versus

Commissioner, Rohtak Division, Rohtak and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Sandeep Parkash Chahar, Advocate
for the petitioner.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

The petitioner (*Smt. Nanki Devi*) seeks quashing the order dated 22.01.2020 (**Annexure P-4**) passed by the Commissioner, Rohtak Division, Rohtak (respondent No. 1 herein), exercising the powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948 (in short “the 1948 Act”), whereby her petition under Section 42 of the 1948 Act for rectification of incorrect record / mutation was remanded to Tehsildar-cum-Consolidation Officer, Rohtak (respondent No. 2 herein) for making correction after hearing the parties.

It is averred that the Assistant Director, Consolidation Department, Rohtak, exercising the powers under Section 42 of the 1948 Act, passed an order dated 12.07.1967 (**Annexure P-1**) directing deduction of 6 kanal land from the described land of late Smt. Amrit Bai (mother of the petitioner) as the said area was given in excess. Respondent No. 2 (Tehsildar-cum-Consolidation Officer, Rohtak) is not a competent authority

for correction the mistake in the order dated 12.07.1967 as the said order was passed exercising the powers under Section 42 of the 1948 Act, therefore, correction can only be made by the same authority i.e. respondent No. 1 (Commissioner, Rohtak Division, Rohtak).

After arguing for some time, counsel for the petitioner prays for permission to withdraw the present petition with liberty to seek alternative remedy in accordance with law.

Dismissed as withdrawn with the liberty, as prayed for.

(JASWANT SINGH)
JUDGE

December 09, 2020

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(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>