

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

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(PROCEEDINGS THROUGH V.C.)

CWP-17218-2021

DATE OF DECISION: SEPTEMBER 03, 2021

DILBAGH SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB & ORS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Bhawesh Chaudhary, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 25.11.2020
(Annexure P-1) passed by the Director, Land Records, Punjab, Jalandhar.

It is the contention of learned counsel for the petitioners that the said order dated 25.11.2020 (Annexure P-1) passed by the Director, Land Records, Punjab, is an *ex parte* order and that too during the period of COVID pandemic. His further assertion is that neither the service was effected upon the petitioners nor the *munadi* was carried out in the village and, therefore, the petitioners did not come to know about the said order. That apart, he asserts that the petitioners had approached their counsel, who had replied that because of lock down, no proceedings would be held before the Director, Land Records, Punjab and, thus, neither the petitioners nor their counsel appeared before the said authority.

The plea, as has been raised by counsel for the petitioners with regard to they being proceeded against exparte, is totally unjustified, especially in the light of the fact that notices were sent to them through registered mode and in addition thereto, announcements were also made in the village through Patwari of the circle vide Rapat No.421, dated 03.06.2019. Thus, the claim of the petitioners that they were not served cannot be accepted. The official record has to be believed over oral assertions of a party. That apart, the stand of counsel for the petitioners that the petitioners had approached the counsel, who advised them that the matter would not be taken up and, therefore, they did not pursue the same, cannot be accepted as a ground for setting aside the exparte order passed by the competent authority in accordance with law.

In any case, the plea of the decision being an exparte would not carry weight because no adverse order has been passed against the interest of the petitioners as vide the impugned order dated 25.11.2020, the matter has only been sent to the District Revenue Officer-cum-Consolidation Officer to look into the records and after hearing both the sides and considering the demarcation report, take steps for correction of measurement of Khasra No.10//13/3, if any rectification is required to be carried out. The order, which is required to be passed by the District Revenue Officer-cum-Consolidation Officer, has to be self explanatory and on merits. This clearly indicates that the petitioners have been given the liberty to appear before the District Revenue Officer-cum-Consolidation Officer and the principles of natural justice have to be fully complied with.

We, therefore, do not find any merit in the present writ petition
and dismiss the same.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**September 03, 2021
khurmi**

**(ASHOK KUMAR VERMA)
JUDGE**

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