

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

**CWP-23900-2021 (O&M)**  
**Date of decision: 10.12.2021**

Subedar Azad Singh

**... Petitioner (s)**

**Versus**

State of Haryana and others

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:** Mr. Sanjeev Kodan, Advocate,  
for the petitioner (s).

Mr. Raman Kumar Sharma, Addl. AG, Haryana.  
\*\*\*\*\*

**AUGUSTINE GEORGE MASIH, J. (Oral)**

Learned Counsel for the State submits that the factual position as has been recorded in the order dated 21.12.2020 (Annexure P-15) clearly indicates that Gazette Notification of Consolidation Act, 2016 was issued on 18.5.2015 and the consolidation scheme was published on 8.11.2016 making it mandatory for the notification to have been given effect to while dealing with the consolidation scheme which was published at a later date. He states that the order passed by Commissioner, Rohtak Division, Rohtak exercising the powers under Section 42 of Consolidation Act, 1948 who is the competent authority, would not be sustainable.

justification to sustain the impugned order and set aside the same with liberty to the respondents to proceed from the stage where the scheme had to be published as per the amendment which has been brought about vide notification referred to above.

Writ petition stands allowed in above terms.

( AUGUSTINE GEORGE MASIH )  
JUDGE

( KARAMJIT SINGH )  
JUDGE

**December 10, 2021**

Paritosh Kumar

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |