

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

CWP-8751-2019 (O&M)

Date of Decision: 24.08.2022

RAMPHAL
Versus

..... Petitioner(s)

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Ms. Mehak Sawhney, Advocate for
Ms. Deipa Singh, Advocate
for respondent no.3.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 07.12.2018 (Annexure P-4), passed by the learned Commissioner, Karnal on an application filed by respondent no.3 (now represented by his LRs), under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as 'the Act').

As per order dated 07.12.2018, it has been held that at the time of consolidation appellant (respondent no.3) was inadvertently not given passage measuring 2 x 2 Karam from the North Eastern corner to his Killa No.30//19/2 and due to this the connected road could not be made operational. Plea of respondent no.3 to the effect that he was not given passage to his Killa No. 30//19/2, was thus accepted. It is a matter of record that this order was passed without affording any opportunity of hearing to the petitioner and it is observed by the learned Commissioner, Karnal that copy of said order be conveyed to the petitioner and in case, he has any objection, he can file an appeal under Section 42 of the Act within 15 days from receipt of copy of the same.

Notice of motion was issued in this writ petition and operation of impugned order dated 07.12.2018 was directed to be stayed in the meanwhile.

During course of the hearing, it is agreed between the parties that as impugned order dated 07.12.2018 has been passed without affording an opportunity of hearing to the petitioner, same be set aside and the matter be decided afresh by the learned Commissioner, Karnal, after affording due opportunity of hearing to both the parties. Learned counsel for respondent no.3, however, submits that the matter be decided in a time bound manner to which there is no objection by learned counsel for the petitioner.

Keeping in view the facts and circumstances as above and the consensus arrived at between the parties, order dated 07.12.2018 (Annexure P-4) is set aside and the matter is remanded to the learned Commissioner, Karnal to decide the same afresh, after affording due opportunity of hearing to the parties concerned. Parties to appear before the learned Commissioner, Karnal on 12.09.2022. It is further directed that the matter be decided expeditiously and positively within a period of four months from the date of appearance of the parties before the learned Commissioner.

Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

24.08.2022
Sunil

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