

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

**CWP-16085-2022
DECIDED ON: 10.08.2022**

KARAM SINGH AND ORS.

.....PETITIONERS

VERSUS

**COMMISSIONER HISAR DIVISION,
HISAR AND ORS.**

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ajay Kumar Kansal, Advocate
for the petitioners.

Mr. Pravindra S. Chauhan, Sr. Addl. A.G., Haryana.

Mr. Lokesh Sharma, Advocate
for respondents No.2 to 5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 27.07.2022, following order was passed:-

“Learned counsel for the petitioners, with reference to the zimni orders, as have been passed by the Commissioner, Hisar Division, Hisar respondent No. 1 (Annexure P-8), contends that no notice has been issued to the petitioners and despite that, they have been proceeded against ex-parte and order passed on 01.06.2022 (Annexure P-11). The said order, as passed under Section 42 of the Consolidation Act, 1948, being not in consonance with the principles of natural justice cannot sustain.

Learned counsel for the State to produce the original records of the file where proceedings under Section 42 of the Consolidation Act, 1948 had been carried out by the Commissioner, Hisar Division, Hisar, culminating in the passing of the impugned order dated

01.06.2022 (Annexure P-11).

List on 03.08.2022.

Status quo with regard to possession, as it exists today, shall be maintained till the next date of hearing.”

In pursuance thereto, the original records were produced by the counsel for the State on 03.08.2022, which are present in Court today as well, whereon perusal thereof, the contention of the counsel for the petitioners as recorded above was found to be correct.

Counsel for respondents No.2 to 5 had sought a short adjournment to seek instructions in this matter as the same were not complete.

The fact that no notice has been issued to the petitioners having been established on the basis of the records, the proceeding and the final order dated 26.04.2022 (Annexure P-9) and the order dated 01.06.2022 (Annexure P-11) cannot sustain. These orders are set aside and the parties are directed to appear before the Commissioner, Hisar on 23.08.2022. The Commissioner, Hisar shall make an endeavour to conclude the proceedings within a period of four months from the said date in accordance with law.

The writ petition stands disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

10.08.2022

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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*