

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

CWP-20242-2022

Date of Decision: 08.09.2022

Mahabir Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. J.P. Sharma, Advocate
for the petitioners.

LISA GILL J. (ORAL)

Prayer in this writ petition is for setting aside impugned order dated 10.05.2022 (Annexure P-6) passed by Commissioner, Gurugram Division (respondent No.2) whereby petitioners' application filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short 'the Act') has been dismissed.

Petitioners filed an application under Section 42 of the Act with a prayer that passage No.50 going from Village Jakhni to Village Gehli through land of the petitioners and connected with passage No.52 has been carved out by mistake during consolidation as both the passages end at the same point going towards Village Gehli. It is averred that petitioners' land exists on both sides of passage No.50 and the same is not used for any other

purpose but to connect to Village Gehli, for which passage No.52 is already in existence. Passage No.50 it is stated was never put to use at an earlier point of time and it is only a month prior to filing of petition under Section 42 of the Act that the Gram Panchayat Jakhni tried to construct a metalled (*pucca*) road up to the boundary of Village Jakhni.

Learned Commissioner, Gurugram Division (respondent No.2) on considering the entire matter as well as revenue record concluded that both the passages, i.e. passage No.50 and passage No.52, were carved out at the time of consolidation and there is no mistake in record. Accordingly application was dismissed vide impugned order dated 10.05.2022. Aggrieved therefrom the present writ petition has been filed.

Learned counsel for the petitioners submits that representation had been submitted in this regard to the Sarpanch Gram Panchayat Jakhni and Gram Panchayat has passed resolution dated 12.08.2020 (Annexure P-4) recommending that alternate route connecting passage No.50 to 52 be carved out as depicted in the Site Plan (Annexure P-3). Copy thereof had been submitted to Sub Divisional Panchayat Officer, Narnaul for further action. It is submitted that wastage of land shall be prevented in case this action is taken. Keeping in view the facts and circumstances, learned Commissioner, it is submitted, has erred in dismissing the application filed by the petitioners.

We have heard learned counsel for the petitioners and have gone through the file with his able assistance.

Learned counsel for the petitioners is unable to deny that in fact there is no mistake in Consolidation Record which calls for correction, therefore, there is no illegality or infirmity with impugned order dated

10.05.2022 (Annexure P-6).

This writ petition is accordingly dismissed. However petitioners are at liberty to pursue the matter pursuant to resolution dated 12.08.2020 (Annexure P-4) passed by the Gram Panchayat Jakhni and stated to have been forwarded to the Sub Divisional Panchayat Officer, Narnaul. In case such a resolution has been passed and forwarded to the concerned authorities, competent authority shall look into the matter and decide the same expeditiously after affording opportunity of hearing to all concerned/affected parties.

(LISA GILL)
JUDGE

08.09.2022
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No