

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

(PROCEEDINGS THROUGH V.C.)

109

Civil Writ Petition No.24399 of 2021
Date of Decision: March 24th, 2022

Thakar Dawara, Village Garhi Kaanugua, Tehsil Balachaur,
District Shaheed Bhagat Singh Nagar, Punjab

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J.

Challenge in this writ petition is to order dated 28.07.2021 (Annexure P-7) passed by the Director, Land Records, Punjab, vide which a petition under Section 42 of The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as 'Consolidation Act') filed by the petitioner stands allowed after considering the stands taken by the respective parties.

2. Learned counsel for the petitioner submits that the application which was preferred by the petitioner under Section 42 of the Consolidation Act for getting correction of *misal haqiat* in the consolidation record, where inadvertently, only Thakar Dawara Garhi Kaangua has been written whereas Thakar Dawara Kaangua Baitman Ram Kishan son of Shankar Dass Faquir Beragi should have been recorded. This he asserts on the plea that it has been so recorded in *khatauni istemal*, *naksha haqdarwar* and *khatauni khumish*

while preparing the revenue record during the consolidation in the year 1951-52. She contends that the claim of the petitioner being based upon the earlier revenue record, the same was required to be accepted and the rejection of the same is without taking into consideration the actual facts. Prayer has thus been made for setting aside the impugned order and carrying out the necessary corrections in the revenue records maintained by the Consolidation Department.

3. We have considered the submissions made by the counsel for the parties and with their assistance, have gone through the pleadings, records of the case and the annexures which have been appended along with the writ petition but do not find ourselves in agreement with the same.

4. Perusal of the impugned order would show and depict that the correct facts as available and based on the record are that at the time of consolidation of the village, entry of Ram Kishan was mentioned qua the land in question in the cultivation column of *khatauni istemal*, which continued till record of *khatauni paimaish* of consolidation. Mahant Ram Kishan died during the course of consolidation on 04.09.1957 and one Ram Lal put forth his claim to the inheritance of Mahant Ram Kishan. The said mutation No.1731 dated 26.01.1962 regarding inheritance stood cancelled and none of the Mahant/Chela put forth his claim on the land belonging to the Mandir, due to which no name of any Mahant of the said Mandir was entered in the cultivation column of *misal haqiat*.

Jatinder Pal, who has filed the present writ petition, had earlier claimed himself to be disciple of Mahant Ram Lal and filed suit for declaration i.e. Civil Suit No.26 of 2008 before the Civil Court claiming

himself to be the Mahant of Mandir. The said civil suit was dismissed by the Additional Civil Judge (Senior Division), Balachaur, vide judgment dated 16.05.2011 (Annexure P-8) followed by an appeal preferred by him, which was dismissed by the learned Additional District and Sessions Judge at S.B.S. Nagar on 22.01.2014 (Annexur P-9). The said order has attained finality.

5. It is after that, that the present petition under Section 42 of the Consolidation Act has been preferred, wherein State has been impleaded as a party. The said application was allowed vide order dated 15.10.2018 without disclosing these aspects in the petition.

6. An application was thereafter filed by the registered body, which is looking after the said Mandir i.e. Thakar Dawara, Village Garhi Kaangua, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar-respondent No.4 for impleadment as respondent and for recall/setting aside of the *ex parte* order dated 15.10.2018 obtained by the petitioner fraudulently and without disclosing the correct facts. The said order was set aside by the Director, Land Records, Punjab, vide the impugned order dated 28.07.2021 being based upon non-disclosure of true facts and being *ex parte* without impleading the necessary parties. As a consequence thereof, the order which has been passed by the Consolidation Officer in pursuance to the earlier order dated 15.10.2018 i.e. on 31.07.2019 has also been set aside by the Director, Land Records, Punjab, Jalandhar-respondent No.2, which in the considered view of this Court, is in accordance with law which do not call for any interference in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution. This, we state in the light of the judgment passed by the Civil Court declining the suit for declaration

of the petitioner as Mahant of the Dera, which findings have attained finality up to the Appellate Court.

7. The orders which have been assailed by the petitioner before this Court being in accordance with law do not call for any interference. The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 24th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No