

CWP No.6362 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6362 of 2022
Date of decision : 29.03.2022

Chambel Singh

.....Petitioner

VERSUS

Director, Land of Records, Punjab & another

....Respondents

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

Present: Mr. Madan Lal Saini, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J.

Challenge in this writ petition is to the order dated 22.04.2015 (Annexure P-4) passed by the Director, Land Records, Punjab, whereby, petition under Section 42 of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948, stands dismissed holding therein that there is no short fall in the land which has been allotted after the consolidation which was carried out in the village Khiala, Tehsil and District Pathankot.

Learned counsel for the petitioner has submitted that the area was in two blocks i.e. A and B. As per Naksha Hakdar Lari No.88, 88/1 etc., petitioner was entitled to 6 kanals and 18 marlas in Block-A and 22 Kanals and 4 marlas in Block-B. Prorata cut to the tune of 1 kanal and 9

marlas was imposed and after that, area of 8 kanals and 16 marlas in Block-A was allotted, whereas the area which was required to be allotted was 18 kanals and 7 marlas standard in Block-B. Petitioner had suffered a short fall as the land of 1 Anna value was not allotted rather excess has been allotted in Block-B than the entitlement of the petitioner. Initially, the property was joint but at the time of consolidation, partition took place between the co-sharers and after partition, vide resolution No.84, 18 kanals land was allotted to Chhaju Ram etc. as per Khatauni Paimayash and no land was allotted to them of the value of 4 Annas. On this basis, it is asserted that the petitioner is entitled to much more land than what has been actually allotted to him.

When confronted by this Court with the impugned order dated 22.04.2015 (Annexure P-4), which has been challenged by the petitioner by filing the present writ petition initially in the year 2019 and thereafter, re-filed in the year 2022, the delay is being sought to be explained by the counsel for the petitioner by submitting that there was a lock-down because of the COVID-19 pandemic, due to which the petitioner could not approach the Court earlier. The said explanation on the part of the counsel for the petitioner is totally unacceptable as the lock-down had only started on 26th of March, 2020 and prior thereto, there was little less than 5 years' time with the petitioner and therefore, there is unexplained delay on the part of the petitioner to approach this Court for challenging the impugned order passed by the Director, Land Records, Punjab. On this ground alone, the writ petition deserves to be dismissed.

That apart, we have gone through the impugned order dated

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22.04.2015 (Annexure P-4) passed by the Director, Land Records, Punjab – respondent No.1 and do not find any illegality therein as the same is based upon the records. The said authority has taken into consideration each and every aspect with regard to the initial land holding of the predecessors-in-interest of the petitioner and the subsequent allotment thereof on the basis of valuation carried out as per the scheme of consolidation. The calculation has also been given therein and even the process, as to how the entitlement has been worked-out on the basis of the valuation entered in the blocks in the Annas, has been mentioned. We are in total agreement with the findings as have been returned by the Director, Land Records, Punjab – respondent No.1.

In the light of the above, the present writ petition not only deserves to be dismissed on the ground of delay and laches but also on merit. Ordered accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

29.03.2022

Harish

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No