

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

CWP-18762-1995

Reserved on: 08.12.2023

Pronounced on: 16.12.2023

HARBANS LAL

.....Petitioner

Versus

ADDITIONAL DIRECTOR CONSOLIDATION, PUNJAB AND ORS.
.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Argued by: Mr. A.P.Kaushal, Advocate for
Mr. M.L.Saini, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

Mr. Akshay Jain, Advocate
for respondents No. 2 and 3.

SURESHWAR THAKUR, J.

1. The petitioner has instituted the instant writ petition before this Court whereby, he makes a challenge to Annexure P-6, recorded on 24.02.1995, upon, petition No. 128 of 1994, and, upon, petition No. 129 of 1994.

2. A perusal of Annexure P-6, unearths, that thereby petition bearing No. 128 of 1994 and petition bearing No. 129 of 1994, respectively instituted by Balbir Singh son of Deva Singh against Hamir Singh son of Kishan Singh etc., and, by Roop Chand son of Jagan Nath against Hamir Singh son of Kishan Singh etc., thus became decided through a common order (Annexure P-6), whereby after

accepting the above petition (supra), the Additional Director

Consolidation of Holdings, Punjab, Mohali quashed the order drawn on 25.08.1994, and, remanded the *lis* to the C.O. Hoshiarpur, for deciding the remanded *lis*, in terms of the direction(s) passed by the Civil Court, as well as, by the High Court.

3. However, Annexure P-6, brings grievance to one Harbans Lal son of Babu Ram, petitioner herein and thus has led him to institute thereagainst the instant petition before this Court.

4. The present petitioner can lay a valid challenge, to the impugned order (Annexure P-6), whereby direction(s) became passed upon the Remandee Court, to decide the remanded *lis*, in terms of verdict being pronounced by this Court in Civil Writ Petition No. 2721 of 1985, but in the event of the present petitioner becoming not arrayed therein either as a petitioner or as a respondent.

5. For unearthing the above factum, it is imperative to extract hereinafter, thus the memo of parties, as became respectively embodied in the array of co-petitioners and in the array of co-respondents, thus in the Civil Writ Petition (*supra*), and, in Annexure P-6.

6. Resultantly the memo of parties inter-se whom, the *lis* embodied in Civil Writ Petition (*supra*), and, in Annexure P-6, thus became entered into, is extracted hereinafter.

Memo of parties in CWP- 2721 of 1985.

1. *Hamir Singh son of Kishan Singh, resident of village Shambho, Tehsil Mansa, District Bathinda; and*
2. *Ujagar Singh son of Inder Singh, resident of Bhikhi, Tehsil Mansa, District Bhatinda.*

..... *Petitioners*

Versus

1. *Additional Director (Consolidation of Holdings) Punjab, Chandigarh (Exercising the powers under Section 42 of the Act).*
2. *Consolidation Officer, Hoshiarpur.*
3. ***Harbans Lal alias Harbans Singh son of Babu Ram;***
4. *Jagan Nath son of Siri Ram; and*
5. *Balbir Singh son of Chand Singh all residents of village Bhikhi, Tehsil Mansa, District Bathinda.*

..... Respondents

Memo of parties in Annexure P-6.

Petition No. 129/94

(1) Roop Chand son of Sh. Jagan Nath.

.... Petitioner

Hamir Singh son of Kishan Singh etc.

Petition No. 128/94

(2) Balbir Singh son of Sh. Deva Singh

... Petitioner

Hamir Singh son of Kishan Singh etc.

....Respondents

Present :- (1) Petitioners with counsel

(2) Respondent Hamir Singh with counsel....

(3) Respondent Harbans Singh with counsel...

7. A reading of the above embodied memo of parties as carried respectively in the Civil Writ Petition (supra), and, in Annexure P-6, discloses that the present petitioner became arrayed as co-respondent No. 3, in the array of respondents in the Civil Writ Petition (Supra), besides depicts that he became arrayed as a co-respondent in Annexure P-6.

8. Therefore, the direction(s) as became passed in the Civil Writ Petition (supra), thus were completely binding upon him. Moreover, in case through Annexure P-6, the Authority concerned, had made an order of remand to the Remandee Court, to thus decide the remanded *lis*, in terms of a verdict made on 29.07.1991, upon, CWP No. 2721 of 1985 (Annexure P-3), thereby the said order of remand was required to be completely enforced even vis-a vis the present petitioner, but on the singular premise, that he had joined the array of respondents in the memo of parties, whereons Annexure P-3, thus became rendered besides also became arrayed in the array of co-respondents in Annexure P-6.

9. In sequel, the petitioner is completely estopped, from making any sound challenge to the impugned Annexure P-6, whereby the *lis* has been remanded to the Remandee Court, to decide the same strictly in terms of Annexure P-3.

FINAL ORDER OF THIS COURT.

10. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed. The impugned annexure is maintained and affirmed.

11. The Remandee Court is directed to within three months from today, decide the remanded *lis* through a speaking order being made thereons but after hearing all affected persons concerned.

12. No order as to costs.

13. Since the main case itself has been decided, thus, all the

pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

16.12.2023

kavneet singh

(SUDEEPTI SHARMA)
JUDGE

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