

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-16619-1995 (O&M)
Date of Decision : 06.11.2023

Santa Singh

....Petitioner

VERSUS

State of Punjab & Others

....Respondents

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

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Present: Ms. Harveen Kaur, Advocate for the petitioner.

Mr. Maninder Singh, DAG Punjab for respondent Nos. 1 to 3.

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SURESHWAR THAKUR, J. (Oral)

1. Learned counsel for the petitioner contends that the smadh of the father of the petitioner was located in Khasra No.795 (1-3). She further submits that khasra number (supra) became assigned to the said smadh on the basis of the pre consolidation records. However, she submits that owing to a clerical mistake being made by the consolidation officer concerned, the new khasra number, as became assigned thereto was khasra number 21/7/2. The said samadh appears to have been declared as Bachat Lands. Consequently, she argued that a motion for correction of clerical error (supra) was made before the Director Consolidation, who was exercising

powers under Section 42 of The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the 'Act, 1948'), but yet he did not proceed to construe the said assigning of the lands as Bachat Lands to the Gram Panchayat concerned, thus, to arise from a clerical mistake.

2. The above said argument made before this Court, to challenge to Annexure P-5, would be construed to be a meritorious challenge thereto, but only if the records remained not fully considered by the Authorities vide Annexure P-5. However, a perusal of the record reveals, that as matter of fact that neither at pre-consolidation stage or prior to the conclusion of consolidation proceedings, the said samadh was ever in existence at site concerned, whereto khasra number 79/5, and, or new khasra number 21/74 has been assigned. Moreover, the fact that vide Annexure P-5 the Authority concerned after making objective considerations, thus made a conclusion that the smadh of the father of the petitioner, though may have existed earlier but the same is no longer in existence. Therefore, since no cogent rebuttal evidence thereto became adduced, thus the consolidation department appears not to commit any mistake, in declaring the petition lands as Bachat lands. Conspicuously, when the Samadh of the father of the petitioner, which was situated in khasra No.21/7/2, has been washed away during floods.

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3. In view of the above, we do not find any merit in the instant writ petition and the same is dismissed accordingly. The said impugned order (Annexure-5) is maintained.

4. No orders as to costs.

5. Pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

November 06, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No