

2023:PHHC:103341-DB

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

253

CWP-17040-2021

Date of Decision : **August 09, 2023**

CHATTAR SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Rahul Jaswal, Advocate
for respondents No. 4, 6 and 7.

SURESHWAR THAKUR. J.(Oral)

1. Reply filed on behalf of respondents No. 3, 4, 6 and 7 is taken on record.

2. The petitioners became aggrieved from the drawing of impugned order dated 26.3.2021 (Annexure P-5) whereby case No.32 of 2017, as became filed before the Commissioner, Karnal, Division Karnal exercising the powers under Section 42 of the Consolidation Act, 1948 (hereinafter referred to as '**the Act of 1948**'), thus became dismissed.

3. The ground, as set forth therein by the petitioners became rested on the premise that no consolidation rasta was assigned in the finalized consolidation scheme drawn by the Consolidation Officer concerned. Therefore, it was claimed that since the above statutory obligation remained undischarged by the Consolidation Officer concerned. Resultantly, a relief became espoused in the relevant *lis*, that a direction be made to the Consolidation Officer concerned, to carve a

rasta for the benefit of all the stake holders concerned.

4. Though the above plea appears to prima facie become supported by Annexure P-2, however, the author of Annexure P-5 without delving into the veracity or the untruthfulness of the Annexure P-5, rather merely on the ground of delay, thus proceeded to decline the espoused relief, to the petitioners.

5. Without delving into the merits of the case, and, also without saying anything about the relevant *lis* being barred by limitation, this Court deems it fit and proper, that if as a matter of fact, the requisite statutory obligations, thus remained undischarged by the Consolidation Officer concerned, thereupon the author of Annexure P-5, may not deem it fit and appropriate to rather baulk the petitioners from claiming the espoused relief, thus merely on the plea of limitation.

6. In consequence, for the above reason, after quashing the impugned order dated 26.3.2021 (Annexure P-5), the *lis* is remanded to the learned Commissioner concerned, to after restoring the *lis* to its original number, to thereafter make a lawful speaking decision thereons, but after hearing all the affected persons concerned, and, positively within a period of five months from today.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

August 09, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No