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

CWP-15000-2023

Date of Decision : 17.07.2023

SUKHBIR SINGH AND ORS.

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

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

Present : Mr. Sudhanshu Makkar, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioner raises a grievance in the instant petition that, despite the Divisional Commissioner, Rohtak Division, Rohtak, in his making Annexure P-5, thus drawing the hereinafter extracted directions, in the operative part of the said Annexure, but with a clear speaking therein, that the consolidation officer concerned, shall apply his judicial mind to the objections, as became raised by the present petitioners, to the preparation and finalization of the consolidation scheme, yet the remandee authority has not proceeded to obey the order of remand (supra).

“.....After hearing the counsel for the appellants and perusing the records available, it is found that the consolidation of village was carried out in year 2021-22. It is important that the objections of the appellants are required to be addressed as per the records and site as well. Therefore, in view of above facts and circumstances, the case is remanded back to Tehsildar cum Consolidation Officer, Bhadra with the direction that the objections of the

appellants be addressed after examining the records and actual locations in presence of all the villagers, as per the consolidation scheme and on the basis of merits, upto 31/03/2023 by passing a speaking order.....”

2. If so, and if as submitted by the learned counsel for the petitioners, the consolidation officer has yet taken to prepare and finalize the consolidation proceedings. Resultantly he has proceeded to not only disobey the operative part of the order of remand (supra), as carried in Annexure P-5, but has also proceeded to untenably then conclude the consolidation operations as are underway in the *mohal* concerned.
3. The above made argument is completely supported by the above extracted operative portion of Annexure P-5, and thereby the consolidation officer concerned, has palpably breached the mandate thereof, and as such he is directed to forthwith, enter into the process of deciding the objections raised before him by the present petitioners, and also, to make a lawful speaking decision thereons.
4. The above be done forthwith and till the objections raised by the present petitioners are decided through a lawful speaking order, thereupto the consolidation officer is restrained from finalizing and completing the consolidation operations concerned.
5. Disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

17.07.2023
kavneet singh

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