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

**CWP No.28882 of 2023
Date of Decision: 22.12.2023**

Idrish and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Akshay Jindal, advocate with
Mr. Mannat Sibal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the order/direction dated 16.10.2023 (Annexure P-5) passed by respondent No.2 whereby the amendment in Jamabandi has been ordered to be done on the representation filed by private respondent No.4, as the same is without jurisdiction and is in complete violation of provisions of Section 45 of the Punjab Land Revenue Act, 1887 (as applicable to the State of Haryana). Further prayer has been made for staying the operation of impugned order dated 16.10.2023 (Annexure P-5) during the pendency of the present petition.

Learned counsel for the petitioners has submitted before this Court that the impugned order dated 16.10.2023 has been passed without jurisdiction.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 3. She, on instructions from Mr. Dhirender, DC, Nuh, has submitted that the impugned order dated 16.10.2023 was passed by the Deputy Commissioner i.e. respondent No.2. Once it came to the notice that initially the persons were in unauthorized possession of the land of the Central Government. She submits that thereafter number of persons along with respondent No.4 filed application under Sections 42 & 43-A of the Consolidation Act (East Punjab Consolidation Act) (hereinafter referred to as 'the Act'), which is placed on record as Annexure P-6. She submits that the application is pending adjudication before the Deputy Commissioner-cum-Administrator/Consolidation Officer, Nuh. She further submits that the same would be decided expeditiously after hearing all the parties. She has submitted that the residents are exploiting the situation and creating third party rights as well during the pendency of the application. She has submitted that any further action as apprehended by the petitioner on the basis of letter dated 16.10.2023 would be taken only after the decision of the abovesaid application pending before the Deputy Commissioner.

In view of the above mentioned position, Respondent No.2 i.e. the Deputy Commissioner, Nuh is directed to decide the application filed under Sections 42 & 43-A of the Act expeditiously in accordance with law. However, as submitted before this Court by the learned State counsel that the third party rights are being created so as to defeat the

provisions of the Act, the Deputy Commissioner, Nuh would be at liberty to take the necessary action as the remedial measures to prevent any such illegal action in accordance with law.

The present petition is disposed of. However, the petitioners would be at liberty to pursue their remedies as available to them in accordance with law in case any further cause of action arises.

(RAJESH BHARDWAJ)
JUDGE

22.12.2023

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