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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10196 of 1996

Decided on :23.01.2024

Harbhajan Dass

.....Petitioner

VERSUS

Upper Consolidation of Holdings, Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Ravinder Singh, Advocate for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. B.S. Mann, Advocate for

Mr. G.S. Nagra, Advocate for respondent No.2.

SURESHWAR THAKUR, J (ORAL)

1 Learned counsel appearing for the contesting litigants are ad idem that the author of impugned order Annexure P-2, could assume jurisdiction on a petition cast under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948 (for short 'the Act of 1948'), but in case in the finalized consolidation Scheme, thus no consolidation rasta become carved.

2 They are also ad idem that on a reading of the impugned order Annexure P-2, no speaking emerge, thus manifestative that no consolidation rasta was carved in the finalised consolidation scheme, thus thereby a necessity arose

for the carving of a consolidation rasta, thus for the benefit of the stake holders concerned.

3 Therefore, in consequence all the counsel appearing today before this Court, are further ad idem that for want of the said discussions, (Annexure P-2), be quashed and set aside, and, the lis be remanded to the Upper Director Consolidation of Holding Punjab, Mohali, with a direction to him to, after restoring the lis, to its original number, thus from a perusal of the relevant records, make a decision, whether a consolidation rasta was carved in the consolidation scheme, and thereafter to take a decision, that thereby no jurisdiction became vested in him in his exercising jurisdiction under Section 42 of the Act of 1948 to yet assign a rasta alternate to the consolidation rasta.

4 The above ad idem prayer before this Court is to be accepted.

5 Ordered accordingly.

6 The Director Land Record Jalandhar, Punjab, is directed to make a decision in accordance with law on the remanded lis, but strictly in terms of the consolidation Scheme but within two months from today, and, after giving an opportunity of personal hearing to all affected persons concerned.

7 All pending application(s), if any, also shall stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

23.01.2024

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Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*