

CWP-15074-1996 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP-15074 of 1996 (O&M)

Date of Decision: 14.02.2024.

Gram Panchayat village Khizarpur

...Petitioner.

Versus

State of Punjab and others

....Respondents.

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

Present: Mr. J.S. Bhandowal, Advocate for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. A.P. Kaushal, Advocate for respondents No.2 to 12.

Sureshwar Thakur, J. (Oral)

1. Learned counsel for the parties are ad idem that the impugned order (Annexure P-1) has been passed in derogation of the verdict made by Full Bench of this Court rendered in case titled as **Parkash Singh and others Vs. Joint Development Commissioner, Punjab and others**, reported in **2014 (2) R.C.R (Civil) 721**, inasmuch as, in terms of the above judgment, despite no jurisdiction vesting in the authority contemplated under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, (hereinafter for short called of, 'the Act'), thus, to make re-allotments and re-partitioning of the lands as declared in the finalized consolidation scheme, yet, the said re-partitionings and re-allotments of the lands assigned to the Gram Panchayat concerned, yet rather being made thus, by the Consolidation Officer concerned.

2. Therefore, they are ad idem that after allowing the instant writ

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petition, the impugned order be quashed and set aside, but yet in terms of the declaration of the law being made in Parkash Singh's case (supra) whereby liberty is assigned to the aggrieved concerned, to access, the jurisdictionally competent Civil Court concerned, to try, and adjudicate the said disputed question of title viz-a-viz the disputed land. Thus, the said liberty be also assigned to the aggrieved from the impugned order.

3. Keeping in view the above ad idem statement made at the bar, by the counsels appearing for both the contesting litigants, the writ petition is accordingly disposed of.

4. The said civil suit is directed to be instituted within a fortnight from today, and, till the institution of the said civil suit, the parties are directed to maintain status-quo as of today in respect of the disputed land, and, on the said civil suit becoming instituted, then, on an application cast under Order 39 Rule 1 and 2 CPC, becoming filed within the said civil suit, the plaintiff may claim that till a decision is recorded the said civil suit, by the Civil Judge concerned, there upto the possession, of the private respondents, over the disputed lands, be not disturbed.

5. All pending applications, if any, also stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.02.2024

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No