

In the High Court of Punjab and Haryana at Chandigarh

(104)

**CWP No. 18198 of 1995
Date of Decision: 16.1.2024**

Surjit Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. R.S.Randhawa, Advocate and
Ms. Taranum Madaan, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. Hardeep Singh, Advocate
for respondents No. 5 to 11.

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel for the contesting litigants are *ad idem*, that the impugned annexure in the instant petition, became also impugned in CWP No. 12768 of 1995. Therefore, they submit, that the order made thereons, on 25.8.1999, order whereof becomes extracted hereinafter, is required to be also made in respect of the present petitioners.

“After hearing the learned counsel for the parties, we find that vide the short zimni order Annexure P-5, the claim made by the petitioner had been allowed yet while dealing with the matter in detail in Annexure P-4 dated 2.2.1995 the claim of the petitioner had been ignored by the Director Consolidation. From a perusal of Annexure P-2, it appears to us that some land which had been earlier allotted to the petitioner had been taken from his Tak and given to Ujjagar Singh son of Santa Singh and it was this action which had led to the litigation at the instance of the petitioner. We, therefore, allow the writ

petition and quash the order Annexure P-4 and remit the case to the Director Consolidation for rededcision. The Director Consolidation shall issue notice to all concerned and after giving them a proper hearing decide the matter afresh, as soon as possible. The parties, through their counsel, are directed to appear before the Director Consolidation on 29.11.1999. Dasti order.”

2. Even if assumingly, the petition (supra) has remained subjudice before this Court, despite the order (supra) becoming rendered earlier by this Court, and, also may be if a decision favourable to the petitioner therein, becoming recorded, thereupon, the benefits thereof would be endowable also to the present petitioners.

3. However, today the learned State counsel, has placed on record an order passed by the Settlement Officer, Jalandhar, whereby for non-appearance of the petitioners before him, he has dismissed the remanded lis, thus for default or for non prosecution.

4. The exercising of jurisdiction by the said officer rather was beyond the scope, and, ambit of the endowment of jurisdiction by this Court, thus solitarily upon the Director, Consolidation, Jalandhar. In fact, the jurisdiction on the remanded lis was required to be exercised solitarily by the said authority concerned, and, in case it became exercised by any other authority, than the authority, to whom there was a vestment of remand jurisdiction, upon the remanded lis, thereupon the exercising of jurisdiction by an authority or an officer, other than, the authority or an officer, to whom the lis became remanded, inasmuch as, by the Settlement Officer, Jalandhar, rather is to be construed to be an invalidly exercised jurisdiction. Therefore, the order (supra), placed today before this Court, by the learned State counsel, and, as made by the Settlement Officer concerned, is ingrained with

the vice(s) of gross illegality, and, impropriety.

5. In consequence, the orders passed by the Settlement Officer concerned, are quashed and set aside. Moreover, in the larger interest of justice, for ensuring that order (supra), as became recorded earlier by this Court, becomes completely enforced, and, implemented, thus, this Court orders that the Director, Consolidation, Jalandhar, shall forthwith assume jurisdiction, upon the relevant ‘lis’, and, shall within four weeks hereafter, make a valid speaking adjudication thereons, but after hearing all the affected persons concerned.

6. The petition stands disposed of.

7. The application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

January 16, 2024
Gurpreet

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