

CWP No.2914 of 1996(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.2914 of 1996(O&M)
Date of Decision: 23.04.2024

Sh. Vijay Kumar & ors.

..... Petitioners

Versus

The Secretary to Govt. Punjab Revenue
Department Consolidation Branch and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Sandeep Khunger, Advocate, and
Mr. Saksham Khunger, Advocate,
for petitioners No.1 and 2.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Rajesh Tushar, Advocate and
Mr. Ravinder Panchal, Advocate and
Mr. Roshan Lal Sharma, Advocate
for respondent No.3.

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsel for the parties are *ad idem* that the impugned order dated 25.05.1995 (Annexure P-1) has made an untenable tinkering with the Consolidation Scheme, that too in a motion which was constituted under Section 42 of the East Punjab Holdings (Consolidation and Prevention) of Fragmentation Act 1948 (hereinafter referred to as 'the 1948 Act'). They are further *ad idem* that the jurisdiction exercised by the authority contemplated under Section 42 of the 1948 Act, rather *prima facie*, is exercised illegally or is exercised with a material impropriety, inasmuch as, despite no jurisdiction

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vesting in the said authority to decide the dispute relating to the makings of under allotments or misallotments to any of the stake holder concerned, yet the said issue qua the makings of purported misallotments or under allotments qua the stake holders, thus being both ill entertained besides becoming ill adjudicated. Learned counsel for the parties are, therefore, *ad idem* that the impugned order (Annexure P-1) be set aside and quashed, but reserving liberty to the contesting litigants to access the remedies before the competent Civil Court concerned.

2. Ordered accordingly.
3. All the pending miscellaneous applications also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

23.04.2024
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(LALIT BATRA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No