

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

2024.PHHC.101016-DB



(205)

**CWP-1910-2000 (O&M)
Decided on : 02.08.2024**

Partap Singh and others

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: None for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

G.S. Sandhawal, J.(Oral)

Prayer in the present writ petition filed under Article 226/227 of the Constitution of India was for issuing directions to the respondents to give *Nishan Dehi*, in pursuance of the consolidation proceedings in the revenue estate of village Dighal, Tehsil & District Jhajjar. Prayer, thus, is made that possession be given according to the new consolidation.

2. On an earlier occasion i.e. on 15.12.2000, an order had been passed, accepting the stand of the State that the needful had been done and the writ petition was disposed of. The same was, thereafter, reopened on 09.08.2001 on the application of the petitioners for recalling the above said order and the State counsel had taken time to file an affidavit on behalf of the revenue department to the effect that the allotment of land, made by the consolidation authorities, had been reflected in the revenue record. The necessary affidavit of the then Deputy Commissioner, Jhajjar had been filed on 08.10.2001, which reads as under:-

“1. That I sought report from Consolidation Officer, Jhajjar, Director of Consolidation Holding Haryana and Tehsildar, Beri. Consolidation Officer, Jhajjar has reported that consolidation proceeding of village Dighal have been completed. New Khasra No. have been given, Demarcation has been completed. Allotment of land has been completed in accordance with the consolidation scheme. The same fact was affirmed by the Director of consolidation Holdings Haryana vide his letter No. JA/2001/3437, dated 10.9.2001. The record has been consigned in Tehsil Office Beri on 30.4.1999.

2. Tehsildar Beri has reported that consolidation proceedings have been completed and jamabandi of the year 1997-98 of village Dighal as prepared by Consolidation Deptt. has been consigned in Tehsil Office Beri. (Annexure A-IV).

3. That the petitioner No.1 Partap Singh is joint owner with his brother Dalel, Sumer Singh s/o Maan Singh. They were given the demarcation at Sr. No. 1090 which was received by Sumer Singh. Dalel Singh brother of petitioner No.1 received possession of newly allotted Khasra No. vide resolution No.458 entered at Sr. No. 46-131 of Register Consolidation proceedings and at Sr. No. 331 of resolution No. 458 Partap Singh petitioner No.1 received possession of newly allotted land as per Register consolidation proceeding. "Jage Ram s/o Hari Chand petitioner No.2 received demarcation of the newly allotted land at Sr. No. 780, 781 of "Register Consolidation Proceedings." Naurang Singh received possession of the land at Sr.No.40 of Resolution No.464 of "Register Consolidation Proceedings". In case of petitioner No.3 Kehri Singh father of petitioner received demarcation at Sr.No.516, 517 and received possession at Sr.No.36 of Resolution No.460 of Register Consolidation proceedings. The petitioners Ramphal, Ramdhan s/o Rijak Ram received demarcation at Sr.No.1103 and 1107 through Kartar Singh of Register Consolidation proceedings. Ramphal received possession of the land at Sr.No.1 of resolution No.458 as per Register Consolidation Proceedings.

4. That consolidation proceedings and possession of re- partition were upheld by the Hon'ble High Court in C.W.P. No.6420 of 1987 of "Bhana Vs. State of Haryana" decided on 18.8.1993.
5. That the petitioners have been allotted new Khasra No. in place of old Khaara No. after consolidation as per details at Annexure A-1.
6. That the petitioners were given possession of newly allotted land as per details given in para no.3. This was admitted by petitioner Partap Singh in their letter addressed to D.C. Rohtak dated 12.9.96, Annexure A-II and letter No. 173/DRO, dated 24.12.96, Annexure A-II, in which petitioner Jage Ram and Partap Singh admitted transfer of possession completion of consolidation proceedings. This is the position as per record.
7. However as per the spot inspection report of D. R.O. Jhajjar and Tehsildar Beri, the petitioners at present are in possession of old Khasra No. only.

3. Apparently, from reading the above affidavit, it would be clear that the petitioners continued in possession of the old khasra numbers and the effect to the consolidation proceedings has not been given, though revenue record may have been corrected.
4. Resultantly, keeping in view the above we are of the considered opinion that the present writ petition is liable to be disposed off by taking positive steps by the respondents to give effect to the consolidation proceedings qua the petitioners by way of handing over the physical possession of the land to which they are entitled.
5. Disposed of, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

02.08.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No