



CWP-3420-1996 (O&M) & CWP-9437-1996 (O&M)

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

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Date of Decision: 09.05.2024

1. CWP-3420-1996 (O&M)

Sham Lal Shukla (deceased) through his LRs

..... Petitioner

Versus

Additional Director, Consolidation of Holding, Punjab, SAS Nagar,
(District Ropar) and others

..... Respondents

2. CWP-9437-1996 (O&M)

Dalbara Singh

..... Petitioner

Versus

Additional Director, Consolidation of Holding Punjab, S.A.S. Nagar,
District Ropar and others

..... Respondents

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

Present: Mr. Nirmal Singh Kandhola, Advocate,
for the petitioner(s).

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. B.S. Mann, Advocate for
Mr. G.S. Nagra, Advocate
for respondent No.3 in CWP-9437-1996.

**SURESHWAR THAKUR, J. (ORAL)**

1. Since in both the writ petitions, though the parties are different, but since the Mohal concerned, wherein the Consolidation operations were conducted, are similar. Moreover, when a common to both the writ petitions, thus the Consolidation Scheme was prepared, besides when to the said commonly prepared Consolidation Scheme, a challenge was made by the aggrieved therefroms, before the Additional Director, Consolidation of Holdings, Punjab (Mohali). Therefore, it is submitted by learned counsel appearing in both the writ petitions, that both the writ petitions are liable to be disposed of with a common order.

2. All the counsels appearing before this Court submit, that the respectively made impugned Annexures, Annexures whereof, are Annexure P-3 in **CWP-3420-1996** and Annexure P-2 in **CWP-9437-1996**, are rendered by the Additional Director Consolidation of Holdings, Punjab Mohali. However, they consensually submit that since the jurisdiction as became exercised by the Additional Director, rather was on a motion constituted under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter for short -'Act of 1948'), and, that too despite a disputed question of title arising amongst the stakeholders concerned. Resultantly, they are *ad idem* that the said motion embodying therein, the said question of title was neither amenable to be laid before the Director Consolidation of Holding, while his exercising jurisdiction under Section 42 of the Act of 1948, nor the said motion was

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amenable to be decided by him.

2. They as such consensually submit that the permissible exercisable jurisdiction on the said motion embodying a disputed question of title emerging amongst the stakeholders concerned, rather is conferred upon the Civil Court of competent jurisdiction.

3. In view of the above *ad idem* statement made at the bar by counsels for the litigants, thereby both the writ petitions are allowed. Moreover, the respectively therein impugned annexures, inasmuch as Annexure P-3 in **CWP-3420-1996** and Annexure P-2 in **CWP-9437-1996** are quashed and set aside with liberty to the aggrieved, to access the Civil Court remedy.

4. All pending applications, if any, stand disposed of accordingly.

5. A photocopy of this order be placed on the file of the connected case.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

09.05.2024
Satyawar

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