

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CWP-2952-1998 (O&M)
Date of Decision: 09.05.2024

Harjit Singh and others
..... Petitioners

Versus

Director Consolidation of Holdings Punjab at Jalandhar, District Jalandhar
and another
..... Respondents

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

Present: Mr. M.L. Saini, Advocate,
for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Chetan Salathia, Advocate
for respondent No.2.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners become aggrieved from order dated 11.12.1997 (Annexure P-4), whereby the Director Consolidation Punjab Jalandhar allowed petition No. 17 of 1997, as became cast under Section 42 of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as 'Act of 1948'),



wherebys the petitioner therein one Labh Singh, was declared to be the successor-in-interest of one Biru, and, resultantly for the omission of the name of said Labh Singh in the column of ownership, in the record of the revenue, thus the said omission was stated to be a clerical /arithmetical mistake, and, was ordered to be undone.

2. Learned counsel for the respondents submits, that the testamentary disposition executed by one Biru, in favour of Nikka Singh and Labh Singh, thus was challenged through a declaratory suit being instituted before the learned trial Court, but the said made testamentary disposition was declared to be validly executed. The counsel for the respondents further submitted, that successive challenges thereto, became also made before learned first Appellate Court and before this Court, through the filing of RSA No. 414 of 1970, but the said challenges also remained unsuccessful. Consequently, he submits that therebys the said made testamentary disposition has, but acquired binding and conclusive effect, whereunder deceased Biru, thus, constituted Nikka Singh and Labh Singh as his legatees

3. Be that as it may, the declaration of title as made through Annexure P-4, was rather not required to be made through Annexure P-4, wherebys the said Annexure becomes prima facie stained with the vice of jurisdictional incompetence.

4. However, when only on the makings of the binding and conclusive declaratory decree (supra), decree whereof finds reference in Annexure P-4, thus Annexure P-4 became passed. Resultantly, when the

said disputed question of title became completely settled, thus through a binding and conclusive verdict(s), thus becoming made by the Civil Court of competent jurisdiction. Therefore, the author of Annexure P-4, merely functioned as the executory authority vis-a-vis the said binding and conclusive verdicts. Resultantly, therebys the author of Annexure P-4 did not exceed his jurisdictional limits, inasmuch as, he proceeded to decide the disputed question of title concerned.

5. In view of what has been stated above, we do not find any merit in the writ petition and the same is dismissed.
6. All pending applications, if any, stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

09.05.2024
Satyawar

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