

In the High Court of Punjab and Haryana at Chandigarh

(224)

CWP No. 7700 of 1997 (O&M)

Date of Decision: 27.2.2024

Gram Panchayat village Mander Khurd

.....Petitioner

Versus

Addl. Director Consolidation, Punjab, Mohali
and another

.....Respondents

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

Present: Mr. A.P.Kaushal, Advocate
for the petitioner

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. S.S.Salar, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. The present petition is directed against the impugned order, as carried in Annexure P-2, whereby the Additional Director Consolidation, Punjab, Mohali, proceeded to, in the operative part of order, make the hereinafter directions.

“I have heard learned counsel for both the parties and also perused the documents available on the file. After perusal of the record dated 29.1.1960, it reveals that at the time of allotment of land to the petitioner, the mistake has been committed while entering khasra No. 39//11(5-12) instead of entering khasra No. 40//11 (5-12). In this way there is deficiency caused to the petitioner which is against the scheme and law and for making the deficiency good of the petitioner, the undermentioned changes are hereby made:-

Sr. No.	Name of the owner	Killa No.	Area excluded	Area included
1.	Gram Panchayat Deh	40//11/2	3-16	X
2.	Gurdial Singh son of Gajjan Singh			40//11/2 (3-16)

With the above mentioned changes, this petition is hereby accepted.”

2. The learned counsel for the petitioner has not been able to demonstrate before this Court, that the hereinabove extracted operative part, as carried in the impugned annexure, rather does not make any rectification of any clerical mistake, which occurred in the record of rights, nor obviously he has been able to place on record any material suggestive, that the above extracted operative part of the impugned annexure, thus has untenably disturbed the right, title and interest created vis-a-vis the estate holders over the disputed lands.
3. Moreover, since there is also no further evidence suggestive, that through the impugned order, only a clerical mistake has been undone. Resultantly, thereby when an able jurisdiction becomes vested in the authority contemplated under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short ‘the Act of 1948’), to therebys make rectifications of any clerical mistake, in the record of rights, for therebys no prejudice being caused to the estate holders concerned, to whom such lands were allotted in the finalized consolidation scheme, but yet the said allotments remained uncarried in the updation of records of rights, as done in terms of Section 22 of the Act of 1948.
4. In consequence, this Court finds no merit in the instant petition, and, is constrained to dismiss it. Accordingly, the instant petition is dismissed. The impugned order is maintained, and, affirmed.

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

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

February 27, 2024
Gurpreet

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