



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.8713 of 2001 (O&M)
Date of Decision: 17.09.2024

Swaran Singh
...Petitioner

Versus

State of Punjab & others
...Respondents

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

Present:- None for the petitioner.

Mr. Shekhar Verma, Addl. AG, Punjab.

Mr. V.K. Sandhir, Advocate,
for respondent No.2.

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G.S. SANDHAWALIA J. (Oral)

The present writ petition was filed wherein directions were sought to the respondents to not distribute the agricultural land in dispute, bearing Khewat No.184 situated in Village Bhambri, Tehsil Khamano, District Fatehgarh Sahib in the shape of plots to *Harijans* of the village on the basis of notice issued by respondent no. 3-Darshan Singh, BDPO, Khamano.

2. Pledged case of the petitioner is that prior to consolidation the land comprising in Khewat No. 184 was described as *Shamlat Deh Hasab Hissis Munderja Shajra Nasab* land and the owners were in possession. After consolidation in 1960 the land in question remained unutilised as



bachat land and the Consolidation Officer wrongly sanctioned the mutation in favour of the Gram Panchayat. The petitioners filed a petition before the Director, Consolidation, who after going through the records, allowed the petition vide the order dated 16.09.1996 (Annexure P-1) and had directed the Consolidation Officer (Tehsildar) Khamano, to distribute the land in dispute being *bachat* land among the proprietors of village Bhambri. The afore-said order was the subject matter of consideration in CWP No.17984 of 1997 and the said order was stayed.

3. It was in such circumstances that vide the order dated 24.10.2002, interim directions were issued that allotment of the plots/land would remain stayed till the writ petition is disposed of wherein it was recorded as under:-

“The records of this case reveal that the petitioner, who is proprietor in the Village, succeeded in the petition filed by him under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1949, wherein it was ordered that the land shall be re-distributed amongst the proprietors. It is true that against the said order, Civil Writ Petition No.17984 of 1997 has been filed in this Court, where even implementation of the aforesaid order has been stayed. However, the said writ petition is still pending disposal. Meanwhile, there is an effort to allot the very land involved in the aforesaid petition to landless/Harijan persons.

We are of the considered view that till such time the said writ petition is disposed of, the land should not be allotted to any one, as the same would result



into multiplicity of litigation. We order that the aforesaid Writ Petition be listed for final hearing on 16.12.2002. This writ petition be listed for motion hearing after decision is rendered in the said writ petition.”

4. It is not disputed that the said CWP No.17984 of 1997 was allowed on 12.09.2013 and similar orders passed including order dated 16.09.1996 by the concerned Director, Consolidation were set-aside, giving the right holders liberty to approach the Collector by moving an application to get the question of title decided. Thus, the only reason the interim order dated 24.10.2002 had been passed at that point of time was to prevent the issue from being complicated further and avoid multiplicity litigation of the land which had been reverted back to the Gram Panchayat and thereafter, liberty had been given to get the title issue cleared. In view of the above, if the petitioner has any other grouse as such regarding his ownership, the Division Bench had given him liberty to approach the Collector regarding the land in question. It is submitted that the writ petition was also at one point of time ordered to be heard along-with CWP No. 9553 of 2001 which pertains to the adjoining land of village Gram Panchayat Village Barwali Khurd. It is pointed out that the said Civil Writ Petition was disposed of on 23.11.2022 by noting that the plots in question have been allotted after obtaining necessary approvals and the writ petition had been rendered infructuous.

5. Keeping in view the controversy and the above-noted circumstances, the writ petition has thus been rendered infructuous and the



same is disposed of accordingly.

6. All the pending application(s), if any, stand disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

September 17, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No