

CWP-8605-2024 (O&M)

-: 1 :-

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

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**CWP No.8605 of 2024 (O&M).
Date of Decision: 23.04.2024.**

Manoj Kumar

....Petitioner.

VERSUS

State of Haryana and others

....Respondents.

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

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana, with
Mr. Saurabh Mago, Deputy Advocate General, Haryana.

SURESHWAR THAKUR, J. (Oral)

1. The grievance raised in the instant writ petition by the present petitioner, is that though the author of Annexure P-3, made therein a reference to the inspection report, and the record report, which was called from Tehsildar concerned. Moreover, when it is also stated in the apposite paragraph, that no objection was raised in respect of the disclosures made in the said report. Furthermore, when the respondents in the said relevant motion are stated to be summoned for theirs raising objections, if any, to the said report, yet the respondents neither appearing personally before the author of Annexure P-3 nor theirs filing objections to the summoned report. Consequently, thereby it appears that the respondents in the said motion were proceeded against ex parte.

2. Be that as it may, after the author of Annexure P-3, annexure whereof becoming challenged before this Court, perusing the records lis is thus discovering, that no consolidation rasta was created for enabling the petitioner in the said motion, to access the relevant tuck. Consequently, in the table which becomes carried in Annexure P-3, table whereof becomes extracted hereinafter, the author of Annexure P-3 proceeded to order that the rasta in the manner detailed therein, thus be carved for enabling the present petitioner to access his tuck. The said table is extracted as under:-

Sr. No.	Name of owner Jamabandi 2015-16	Removed		Included	
1	Jeet Singh etc. Khewat No.725	165//9 South easter passage 3 x 3	0-1	165//12/1 western noth 9 x 1	0-1
2.	Smt. Seema daughter of Ishwar etc. Khewat No.726	165//12/1 Western north 9 x 1	0-1	165//9 South easter passage 3 x 3	0-1

3. Now the grievance, which has been raised before this Court by learned counsel for the petitioner, is that, is complete lack of conformity interse Annexure P-2 rather with the table (supra) carried in Annexure P-3, despite Annexure P-2 became relied upon by him. Therefore, the rasta carved through Annexure P-2 is, but contrary to Annexure P-2.

4. The above appears to be a disputed question of fact, and, in the instant summary proceedings, the same cannot be decided. Nonetheless, if there is, as a matter of fact, any lack of conformity interse Annexure P-2 with the table supra, which occurs in Annexure P-3, thereby the appropriate course to be adopted is to after quashing Annexure P-3, rather make an order of remand upon author of order Annexure P-3, who after ensuring that the respective aggrieved persons appear before him, especially those who become affected from the rasta which has been proposed in Annexure P-3, rather may after receiving the consent of all affected persons concerned, vis-

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a-vis the recital made in Annexure P-2, thus in complete alignment or in tandem therewith, redraw an order, whereby he may refrain to disconcur with the consented to proposals for a rasta, as, manifested in Annexure P-2. A fresh order on remand be positively passed within two months from today but after hearing all affected persons.

5. Disposed of accordingly with all pending application(s) if any.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

23.04.2024
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No