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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15425-2021
Date of decision:13.02.2024

BIJENDER AND ANR

...Petitioners

Versus

DIVISIONAL COMMISSIONER KARNAL AND ORS

...Respondents

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

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ajay Ghangas, Advocate
for respondent No.3.

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsels appearing for the contesting litigants are *ad idem* that the present petition be allowed, and, the impugned orders be quashed, and, set aside. They are also *ad idem* that the demarcation report, as became drawn by the Naib Tehsildar, Samalkha, was not drawn in terms of the required corrections, as were to be made thereons by the Consolidation Officer concerned.
2. The learned State counsel submits, that the corrections to be made to the Musavi which was carried to the site concerned, by the Naib Tehsildar, Samalkha, would be made within 4 weeks from today.
3. Be that as it may, since the demarcation(s) of the disputed sites

which became conducted on the basis of a Musavi, which has not been yet

updated or corrected, by the Consolidation Officer concerned, therefore it is *ad idem* submitted that no reliance could be placed, upon the said incorrect Musavi.

4. If so, after accepting the above conjointly made statements, at the bar, by the learned counsels appearing for the litigants concerned, this Court allows the instant petition, and, quashes and, sets aside the impugned orders, and, orders for the remand of the lis to the learned Assistant Collector, Ist Grade, Samalkha, who shall after restoring the lis to its original number, proceed to order for a fresh valid demarcation but on the basis of the corrected Musavi, thus being made by the Naib Tehsildar, Samalkha. The report in respect of the said freshly made demarcation, shall be personally tendered into evidence by the Demarcating Officer concerned, besides shall also be ensured to be proven in accordance with law.

5. The decision on the remanded lis shall be positively made within 4 months hereafter, but after hearing all affected persons concerned. Moreover, since the correction to the Musavi is to be made by the learned Divisional Commissioner Karnal, Division Karnal. Therefore, the Divisional Commissioner concerned, is directed to, within 4 weeks from today make corrections to the Musavi, so that therebys a valid demarcation of the disputed site is conducted by the Naib Tehsildar, Samalkha.

(SURESHWAR THAKUR)
JUDGE

13.02.2024
Ithlesh

(SUKHVINDER KAUR)
JUDGE