

2024:PHHC:124447-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-13062-2024 (O&M)

Decided on : 19.09.2024

Harinder Singh

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

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

Present: Mr.P.K.Kapila, Advocate for the petitioner (s).

Ms.Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

CM-12130-CWP-2024

1. Application for placing on record order dated 12.03.2019 as (Annexure P-10) is allowed, in view of the averments made in the application. Same is taken on record. Office to substitute the earlier (Annexure P-10) with the present document, now annexed.

2. CM stands disposed of.

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3. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is to the orders passed by the Assistant Director, Punjab dated 12.03.2019 (Annexure P-10) wherein, at the instance of the private-respondents, the appeal was allowed and the order dated 02.04.2013 (Annexure P-7) passed by the District Revenue Officer-cum-Chakbandhi Officer, Hoshiarpur, the order dated 13.07.2016 (Annexure P-9) passed by the Deputy Director, Land Record-cum-Consolidation Officer, Chakbandi, Jalandhar, Punjab, were quashed and the matter was remanded to the District Revenue Officer, for examining the records and seeing the opportunity, within the scope of the utilization scheme.

4. The reason which prevailed with the said authority was that on an earlier occasion, this Court had cancelled the consolidation process of 1972 and the chakbandi work of Village Bhungarni had started in the year 1988 and therefore, the earlier directions issued by the Director Chakbandi dated 18.12.1984 no longer holds any weight. The order has further been upheld by the Director, Chakbandi vide order dated 21.05.2012, which is also subject matter of challenge. The reasoning given against the present appellant is as under:

“After listening to the arguments of the learned counsels of both the parties, it was found that there is weight in the arguments given by the opposition party. The appellant in his appeal could not make out any allegation in the order of Additional Deputy Commissioner, Jalandhar-cum-Assistant Director Chakbandi Panjab, Jalandhar that :-

1. The Chakbandi Officer has not recorded any reason for reducing the area in his order and it is against the scheme to reduce the area of any party without any reason for reducing the area in his order and it is against the scheme to reduce the area of any party without any reason.
2. Apart from this, Director Chakbandi's order dated 15.12.1984 was passed on the basis of Chakbandi which started in the first year 1972. Hon'ble Punjab and Haryana High Court, Chandigarh had cancelled the 1972 Chakbandi and the present Chakbandi of village Bhungarni has been started in 1988. Therefore, the Director Chakbandi's order dated 15.12.1984 is no longer valid, holds the weight.
3. It is also worth mentioning that the case has been remanded to the District Revenue Officer-cum-Chakbandi Officer by the order under appeal of the Additional Deputy Commissioner, Jalandhar-cum-Assistant Director Chakbandi Punjab, if there is any issue then the appellant can approach the lower court to raise his issue.

Therefore, there is no need for any interference in the impugned orders. Therefore, this appeal is liable to be rejected, which is rejected. The order has been pronounced. After completing the record filed by consigned to the record room.”

5. Counsel is not in a position to point out regarding the factual matrix since apparently the application filed by the present writ petitioner was on the basis of the allotment which was done in the year 1972 and that he was not given possession over the land in the manner which was required and loss has been caused to him as the land was scattered in pieces. It is, thus, apparent that the order was passed without considering the fact that this Court had also passed orders whereby the consolidation proceedings of 1972 had been put to a naught. In such circumstances, the authorities directed the remand and therefore, on the basis of the consolidation proceedings which were cancelled, the remand order had been passed.

6. We do not find any tangible reason to interfere in the order passed by the authorities below which is subject matter of challenge herein. Resultantly, finding no merit in the present writ petition, the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

19.09.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No