



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

114

CWP-19177-2024

Date of Decision.:24.10.2024

Malkit Singh and Another

Petitioners

Vs.

State of Punjab and Others

Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Kanwaljeet Singh, Senior Advocate with
Mr. Birinder Pal & Mr. Veer Imaan Gill, Advocates
for the petitioners.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

The present petitioners seek setting aside of the order dated 23.05.2024 (Annexure P-4) passed by respondent No.2 on the ground that respondent No.2 could not have invoked the remedy under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short 'the Act'). A perusal of the order passed goes on to show that the same is done in public interest inasmuch as on account of the religious place being situated on Northern side of the passage, it was difficult for turning the combine and passing of agricultural implements and on this account, the passage as such which is recorded on North side of Khasra No.25//19 and 20 was sought to be widened. Petitioners are being duly compensated for the land which will be taken from their side by giving land on the Southern side of the said field. It is in such circumstances the authorities have also found the objection that the land of the respondent is joint and in future they will find difficult for doing agriculture in



the last khasra, is not acceptable as said patch of land has approaches on the Western side and also on the Northern side which is further now being widened by the order being passed. It is also pertinent to mention that apart from the present two petitioners the other respondents have not chosen to challenge the said order which is apparently for the benefit of the general public.

2. In such circumstances, the action of the official respondents taking cognizance of the application filed by the private respondents under Section 42 of the Act is justified as the authorities are utilizing the usage of the agricultural land to its optimum best. Therefore, the methodology which has been adopted by the consolidation authorities as such, cannot be said to be suffering from any illegality or irregularity which would warrant interference under Article 226/227 of Constitution of India.

3. As such finding no merit in the present petition, same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(DEEPAK GUPTA)
JUDGE

October 24, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No