

CWP No. 23436 of 2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.23436 of 2023

Date of Decision: 23.04.2024

Joginder Pal alias Joginder Saini

..... Petitioner

Versus

The Director, Land Records, Punjab & ors.

..... Respondents

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

Present: Mr. Vikas Mehsempuri, Advocate,
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab,
for respondents No.1 to 4.

Mr. ML Saini, Advocate,
for respondents No.5 to 7.

SURESHWAR THAKUR, J. (ORAL)

1. Through the present petition, the petitioner impugns order dated 17.05.2023 (Annexure P-5), whereby the lis became remanded to respondent No.4.

2. The petitioner's petition No.161/02 as filed against one Karam Chand resulted in the making of Annexure P-1, whereby the lis was remanded to the District Revenue Officer-cum-Consolidation Officer, but with a direction to hear all the necessary parties and after making spot inspection and going through the records and resultantlty if he finds that Khasra No.592/1 was not

shown in the musavi, thereupon the said khasra number as per field book be entered in the musavi.

3. The parties before this Court do not contest, that the said order i.e. Annexure P-1 remains unchallenged, at the instance of any of the purported aggrieved party, and, as such, they also concede before this Court, that therebys Annexure P-1 acquires conclusive and binding effect. Furthermore, Annexure P-1 became enforced, and, implemented through the making of Annexure P-2. Subsequently, Annexure P-2 became challenged by the aggrieved therefrom and the said grievance became negated through Annexure P-3. The aggrieved from the same, filed an appeal before the Additional Deputy Commissioner, Jalandhar-cum Assistant Director Consolidation, Punjab, Jalandhar, under Section 21(3) of East Punjab Holding (Consolidation and Prevention) of Fragmentation Act 1948 (hereinafter referred to as 'the 1948 Act'). However, the same also became rejected, thus, through the drawing of Annexure P-4.

4. Since the lis relating to the disputed land, thus became rested through the renditions of annexures (supra), therebys until the said annexures became successfully challenged, thereby one Gurnam Singh and others arrayed, as private respondents in the instant petition, thus, could not raise a motion constituted under Section 42 of the 1948 Act. Moreover, the jurisdiction, as became exercised on the said motion and which resulted in the drawing of impugned Annexure P-5, thus, therebys became invalidly exercised thereons, besides makes the said order to become ridden with the taint of gross illegality and material impropriety. The reason for stating so is simple, inasmuch as, the relevant lis as became remanded through the unchallenged Annexure P-1, therebys, till the happening of the fullest termination of the remanded lis

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thus through a verdict being made thereon, rather thereupto Annexure P-5 could not become validly recorded.

5. Consequently, the instant petition is allowed and the impugned Annexure P-5 is quashed and set aside but as relates to the present land, but reserving liberty to the concerned, to access the remedies before the competent Civil Court concerned.

(SURESHWAR THAKUR)
JUDGE

23.04.2024
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(LALIT BATRA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No