



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25111 of 2023 (O&M)

Date of decision: 05.09.2024

Joginder Singh

....Petitioner

Versus

Director Land Record Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

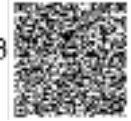
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Akashdeep Singh, Advocate for
Mr. Sanjeev Kumar Arora, Advocate for the petitioner.
Ms. Arundhati Kulshreshtha, AAG, Punjab.
Mr. S.S. Salar, Advocate for respondent Nos.2 & 3/Caveator.

G.S. SANDHAWALIA, J (ORAL)

1. Prayer in the application bearing CM No.14187-CWP-2024 filed under Order 23 Rule 3 read with Section 151 CPC is for disposal of the instant writ petition, in terms of compromise deed (Annexure C-1) being filed.
2. Challenge in the present writ petition was to order dated 26.07.2023 (Annexure P-4) passed by the Director Land Records, Punjab-respondent No.1, who has directed to provide a passage to be carved out to the Tak of the petitioner on the eastern-northern side of Khasra No.212//11/2 Min and Northern-middle side of Khasra No.212//12/1 of the respondent party.
3. On 22.08.2024, following order was passed by this Court:

*“Sh. Balkar Singh son of Sh. Joginder Singh (petitioner) and
Sh. Kuldeep Singh son of Sh. Balwinder Singh (respondent
No.2) are present.*



It has been proposed that the passage, which is not shown any colour and is shown having 3 karam next to Khasra No.11/2 as per Annexure R-2/5, would be given. Both parties has also filed cases against each other.

Since an attempt has also been made to resolve their issue through Mediator which has failed but due to the positive efforts of the counsel for the parties, the matter is likely to be resolved.

Adjourned to 05.09.2024, for filing compromise deed for settling all the issues.

The private respondents shall also be associated in the settlement.”

4. Pursuant to order dated 22.08.2024, a compromise deed as such has been placed on record. Respondent No.3-Malkiat Singh is also present in Court and identified by his counsel.

5. In terms of compromise, the parties have entered into a settlement *inter se*. Said compromise deed reads as under:

“COMPROMISE DEED

This compromise deed has been executed on this 24 TH day of August, 2024 at Village Mallan Wala Janubi, Tehsil zira, District Ferozepur between:

Jeginder Singh a/e Sh. Balla Singh, resident of Mallan Wala Janubi, Tehsil Zira, District Ferozepur (hereinafter referred to as the '1" Party')
AND

*1. Balwinder Singh 5/6 Sh. Jangir Singh,
2. Balbir Singh s/o Sh. Jagir Singh
3. Malkiat Singh and Harjeet Singh S/o Sh. Balbir Singh S/o Sh. Jagbir Singh;*

All residents of Mallan Wala Janubi, Tehsil Zira, District Ferozepur (hereinafter referred to as the '2nd Party').

Whereas, Shri Balwinder Singh and Malkiat Singh from the 2nd party had filed a petition under Section 42 of the Consolidation Act for provisions of a passage.

Whereas the said application was allowed, vide order dated 26.07.2023. vide this order, a passage from Khasra No.212//11/2 (0-1)



and Khasra No.212//12/1 (0-7) was provided to the land of the 2nd party

That the 1st party filed CWP No.25111 of 2023 to challenge the order dated 26.07.2023 attaching it as Annexure P-4 with the writ petition. Written statement was filed by the second party, with which Annexure R-2/5 was also attached. The petitioner also filed a map proposing to provide passage from Khasra No.211//24, 25, 21/2. During the hearing on 22.08.2024, the 1st and 2nd party agreed that a passage 3 karam wide shown in white colour from North-Eastern Corners to South-Eastern Corner of Khasra No 212//11/2 and to the extent of 3 karam x 3 karam from North-Eastern Corner of Khasra No.212//20, owned by the first party to give access to Khasra No.19 and other khasra numbers belonging to the 2nd Party be provided. This passage shall be recorded in the name of Jumla Mustarka Maalkan' and both the parties shall be entitled to use the same as 'Sareaam',

That the 1st and 2nd Party have further agreed that the 2nd Party shall forgo his claim in Khasra No 212//26 to the extent of 1/6th share and whenever required by 1st Party shall execute the sale deed without any consideration except the expenses for getting sale deed executed by 1st Party on or before 11th November, 2024 after Informing each other. Similarly, both the parties shall get the passage mentioned above demarcated with their mutual consent on the same day.

That the 1st and 2nd Party have also agreed that the 2nd Party has lodged an F.I.R. No.117/2021 dated 28.12.2021 under Sections 354, 323, 325, 447, 148, 149 of the Indian Penal Code, 1860, Police Station Mallan Wala, Tehsil Zira, District Ferozepur against 9 accused. The 2nd Party shall cooperate with the 1st party and with other 8 accused to get the F.I.R. and all subsequent proceeding arising therefrom quashed. On the basis of statement dated 30.12.2021, vide GD No.022, made by Gurmeet Kaur wife of Shri Sher Singh, R/o Kumhari Wala, a cross case under Section 452, 354, 324, 323, 148, 149 of I.P.C. was also registered against 2nd Party and other 7 accused. As above, the 1st Party shall also cooperate with 2nd Party to get the cross- case and consequential proceedings quashed. Both the parties shall make statement, wherever required including the Hon'ble High Court.

That the above Writ Petition No.25111 of 2023 pending for 05.09.2024 shall be got disposed in view of terms mentioned hereinabove. The rest of the compromise shall also be got implemented in appropriate forums. The parties shall be bound by the present compromise. This compromise has been prepared in duplicate One original shall be

*retained by 1st Party and other original shall be retained by 2nd Party.
The present compromise has been got effected between the parties
without any pressure, coercion and with their own free Will and
consent.*

1 st Party	2 nd Party
LTI JOGINDER SINGH	BALWINDER SINGH
SD MEHAR SINGH	SD MALKIAT SINGH
GURDEV SINGH	HARJEET SINGH
NAPINDER SINHG	KULDEEP SINGH
LAKHVIR SINGH	KULIT SINGH
BALBIR SINGH	RTI BHAJAN KAUR
SHER SINGH	BALWINDER KAUR
AVTAR SINGH	SUCHA SINGH
RTI GURMEET KAUR	GURVINDER SINGH
WITNESSES: 1. JASWINDER SINGH	BALRAJ SINGH
	2. LTI GURCHARAN SINGH”

6. Accordingly, we dispose of the present writ petition by modifying
order dated 26.07.2023, in terms of the compromise deed (Annexure C-1).

(G.S. SANDHAWALIA)
JUDGE

September 05, 2024
manoj

(MEENAKSHI I. MEHTA)
JUDGE

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