

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

**CWP-9713-2025
Date of Decision: 05.04.2025**

Nawab Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. R.N. Bharti, Advocate and
Mr. Kshitij Bharti, Advocate
for the petitioner.

Mr. Sandeep S.Mann, Addl. A.G., Haryana.

HARSH BUNGER J. (ORAL)

Petitioner (Nawab Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 30.07.2019 (Annexure P-2) passed by the learned Assistant Collector, 2nd Grade, Assandh, District Karnal; order dated 04.11.2019 (Annexure P-3) passed by the learned Assistant Collector, 1st Grade, Assandh, District Karnal; and order dated 04.12.2024 (Annexure P-4) passed by the learned Divisional Commissioner, Karnal.

2. Briefly, petitioner along with his brother, namely Krishan Singh (respondent No.12 herein), are stated to have become co-owners in the suit land measuring 38 Kanal-4 Marla, on the strength of decree dated

13.02.1993 (Annexure P-1) passed by the Sub Judge, Ist Class, Karnal. Petitioner is stated to have filed an application before the learned Assistant Collector, 2nd Grade, Assandh, District Karnal, seeking correction of *khasra girdawari* entries, in respect of the land comprised in Rectangle No.94, Killa Nos.13, 18, 19, 22 and 23, situated at Village Bahari, Tehsil Assandh, District Karnal, since 2019. It appears that the private respondents herein were proceeded against *ex parte* vide order dated 28.06.2019 and thereafter, the learned Assistant Collector, 2nd Grade, Assandh, District Karnal is stated to have carried out a spot inspection, whereupon, it was found that the petitioner was in cultivating possession of the aforesaid property, which was further supported by the statements of other persons, who were present there. The learned Assistant Collector, 2nd Grade, Assandh, District Karnal, vide its order dated 30.07.2019 (Annexure P-2), after relying upon the aforesaid statements, ordered correction of *khasra girdawari* in respect of the land in question, w.e.f. the Crop Kharif, 2019 onwards.

2.1 It transpires that the private respondents preferred an appeal against the aforesaid order dated 28.06.2019, whereby they were proceeded against *ex parte* , as well as order dated 30.07.2019 (Annexure P-2) before the learned Assistant Collector, 1st Grade, Assandh, District Karnal; however, the same was dismissed vide order dated 04.11.2019 (Annexure P-3).

2.2 Thereafter, the private respondents preferred a revision petition before the learned Divisional Commissioner, Karnal, which came to be allowed vide order dated 04.12.2024 (Annexure P-4).

3. In the aforementioned circumstances, petitioner has filed the instant writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. Evidently, the private respondents were proceeded against *ex parte* on 28.06.2019. The spot inspection was carried out by the learned Assistant Collector, 2nd Grade, Assandh, District Karnal, in the absence of the private respondents, and on that basis, order dated 30.07.2019 (Annexure P-2) was passed, thereby directing the correction of *khasra girdawari* of the land measuring 38 Kanal-4 Marla, in the name of petitioner herein, w.e.f. the Kharif Crop, 2019 onwards. The appeal filed by the private respondents against the aforesaid *ex parte* order dated 28.06.2019 and order dated 30.07.2019 (Annexure P-2), was also dismissed by the learned Assistant Collector, 1st Grade, Assandh, District Karnal, despite observing that Khasra No.94//13, 18 and 23 were found vacant at the spot as the said area stood acquired for the construction of National Highway No.152-D. On a further revision petition being filed by the private respondents, the learned Divisional Commissioner, Karnal, vide its impugned order dated 04.12.2024 (Annexure P-4), came to the conclusion that once award dated 21.11.2018, regarding construction of the National Highway on the land in question, has been passed by the competent authority, and a part of the land stands acquired; then the orders passed by the Assistant Collector, 2nd Grade, Assandh, District Karnal and Assistant Collector, 1st Grade, Assandh, District Karnal cannot be said to be justified.

6. From the aforesaid discussion, it is apparent that the petitioner had submitted an application seeking correction of *khasra girdawari* in land measuring 38 Kanal-4 Marla, comprised in Rectangle No.94, Killa Nos.13, 18, 19, 22 and 23; however, it is not disputed that out of the aforesaid land, Rectangle No.94, Killa Nos.13, 18 and 20 already stood acquired vide Land Acquisition Award dated 21.11.2018. Accordingly, once a part of the land, regarding which correction of *khasra girdawari* was being sought,

already stood acquired by the Government then there was no occasion for the Assistant Collector, 2nd Grade, Assandh, District Karnal to have ordered correction of the said *khasra girdawari*. It is, therefore, clear that the concerned revenue authority did not apprise itself of the true facts and proceeded to pass the order concerning correction of *khasra girdawari* in an arbitrary manner, without even noticing that in Jamabandi for the year 2015-16, pertaining to the Khewat which includes the land in question, there is a specific note vide Rapat No.408 dated 06.08.2018, indicating that as regards the land comprised in Rectangle No.94, Killa Nos.12, 13, 18, 19, 22 and 23, a notification under Section 3-A of the National Highway Act, 1950 already stands issued.

7. In view of the above, I find no merit in the instant writ petition and the same is accordingly dismissed.

8. All pending application(s), if any, shall also stand closed.

05.04.2025*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No