



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

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CWP-20265-2025

Date of Decision: 31.07.2025

PARTAP SINGH SINCE DECEASED THROUGH LR AND ANRPETITIONERS

Versus

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present:- Mr. A.S. Gill, Advocate
for the petitioners.

Mr. Shekhar Verma, Addl. A.G., Punjab.

DEEPAK SIBAL, J. (Oral)

1. Through the instant petition, challenge is made to order dated 27.03.2024, passed by the Director, Land Records, Punjab, Jalandhar (for short-Director), through which the petitioners' petition, filed by them under section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short- the Act) was dismissed.

2. Consolidation of Village Bajakhana, Tehsil Jaiton, District Faridkot took place in the year 1955. At that time the predecessors-in-interest of the petitioners were shareholders of the village. On 02.03.2016, the petitioners filed an application under Section 42 of the Act seeking therein to

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challenge the consolidation scheme primarily on the ground that their land had been shown in the scheme to be unpartitioned whereas the same had been partitioned much prior to the finalization of the consolidation scheme. On 28.11.2018, an application was filed by the petitioners to amend their petition to include therein additional facts. Through the impugned order dated 27.03.2024, the Director dismissed the petitioners' petition on the ground of delay.

3. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

4. It is not disputed that after due notice to the predecessors-in-interest of the petitioners, the consolidation proceedings in the petitioners' village were finalized in the year 1955. It is further admitted that at the time of finalization of the consolidation scheme and even today, the revenue record shows the land in question to be unpartitioned.

5. In the light of the above facts, the petitioners' petition, filed under Section 42 of the Act, after over 70 years of the finalization of the consolidation scheme, seeking therein correction in the said scheme was highly belated and rightly dismissed through the impugned order on the ground of delay, especially when the petitioners have also not offered any worthwhile explanation for the inordinate delay of over 70 years in the filing of their petition.

6. The afore view of ours is supported by the following observations made by the Supreme Court in **Gram Panchayat, Kakran Vs. Addl. Director of Consolidation, (1997) 8 SCC 484:-**



“3. Rule 18 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949 prescribes that an application under Section 42 shall be made within six months of the date of the order against which it is filed. Under the 2nd proviso to that Rule, there is a power to admit the application after the period of limitation, which requires the applicant to satisfy the authorities that he has sufficient cause for not making the application within such period. The 2nd respondent has relied upon a decision of the Full Bench of the Punjab and Haryana High Court in the case of [Jagtar Singh v. Additional Director, Consolidation of Holdings, Jalandar, 1984 R.R.R. 31 : AIR 1984 Punjab and Haryana 216](#). In this decision the High Court had held that the period prescribed under Rule 18 will apply only in respect of orders which are passed under the Act and will have no application to a scheme which is framed for repartition which has been effected under the Act.

4. This, however, cannot be understood as enabling the party which is aggrieved by the Scheme or by repartition to make an application under Section 42 after an unreasonably long lapse of time. Even where no period of limitation is prescribed, the party aggrieved is required to move the appropriate authority for relief within reasonable time. In fact this Court in the case of **Gram Panchayat, Village Kanonda v. Director, Consolidation of Holdings, 1989 Suppl. (2) SCC 465** dealing with Rule 18 itself, said that when no limitation is prescribed for an application under Section 42 dealing with confirmation of the scheme, the application should be made within a reasonable time and this question will have to be decided on the facts of each case. In that case the delay of about 3 years and 8 months in filing an application under Section 42 by the Panchayat was held to be not unreasonable. In the present case, however, the delay is of 40 years. We have tried to ascertain from the 2nd respondent whether there is any explanation for this unreasonable and inordinate delay. But no satisfactory



explanation appears to be there for this inordinate delay in making the application under Section 42. The only contention which has been urged before us by respondent No. 2 relates to the application of Rule 18 and the period of limitation prescribed therein not being applicable where the challenge is to the consolidation scheme and repartition. But even if Rule 18 is not directly attracted, an application which is made after such inordinate delay ought not to have been entertained. It is also contended by the 2nd respondent that the appellants have no locus standi to challenge the order of the Additional Director of Consolidation is a Writ Petition because the land in question continued to remain in the name of the proprietary body. He drew our attention to Rule 16(ii) of the said Rules. Rule 16(ii), however, quite clearly provides that the management of such land shall be done by the Panchayat of the estate or estates concerned on behalf of the village proprietary party and the Panchayat shall have to utilise the income and the benefits of the estate or estates concerned. Even before Additional Director, the appellants were made a party-respondent. This contention, therefore, has no merit.”

7. Dismissed.

[DEEPAK SIBAL]
JUDGE

[LAPITA BANERJI]
JUDGE

31.07.2025

Prince

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No