



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

(Sr. No.111)

CWP No.21025 of 2024

Date of decision: 25.04.2025

Rambir

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE H.S. GREWAL**

Present : Mr. Navneet Jindal, Advocate for the petitioner.
Mr. Saurabh Mago, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the instant petition challenge is made to the order dated 15.03.2023 (Annexure P-5) passed by the Divisional Commissioner, Rohtak Division, Rohtak (for short - the Commissioner) dismissing the petitioner's petition filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short - the 1948 Act).

(2) The petitioner was aggrieved by consolidation proceedings conducted by the State under the 1948 Act in village Nindana, Tehsil Meham, Distt. Rohtak as according to the petitioner he and his family had been given 160 Kanals 13 Marlas of land whereas they were entitled to 163 Kanals. Such grievance was made by the petitioner through filing of a petition before the Commissioner under Section 42 of the 1948 Act. The petitioner's claim was rejected by the Commissioner through order dated 15.03.2023 holding as follows :



“After hearing and going through the documents on file it was found that, as per record, demand of the appellants was 160-10K, in place of that during consolidation proceedings, land given was 160-13 Kanal. Accordingly in total excess area of 0-3 Kanal under scheme of consolidation. Finding no force in the demand of the appellants by keeping in view the above said facts in consolidation scheme, the case is rejected. File may be consigned to the record after compliance as per process.”

(3) A perusal of the afore quoted operative part of the impugned order reveals that the petitioner’s claim has been rejected by the Commissioner solely on the ground that as per record the petitioner had demanded only 160-10 Kanals of land and the land allotted to him, after consolidation proceedings, was 160-13 Kanals *i.e.* 03 Marlas more than his demand.

(4) In spite of repeated queries, learned State counsel, who appears on advance notice, has not been able to point out the portion of the record where the petitioner had demanded 160-10 Kanals of land during consolidation proceedings. That being so, the impugned order is apparently without application of mind. Therefore, the same is set aside and the matter is remanded to the Commissioner for a fresh decision on the petition filed by the petitioner under Section 42 of the 1948 Act, in accordance with law.

(5) The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

25.04.2025
sunil yadav

(H.S. GREWAL)
JUDGE

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