

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

2025:PHHC:134236-DB



(118)

**CWP-23149-2025
Decided on : 25.09.2025**

Neki Ram

....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.Digvijay Singh, Advocate, for the petitioner(s).

Mr.Saurabh Mago, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

In the year 1963-64, consolidation of village Sajuma took place. In the year 2017, the petitioner filed an application under Section 42 of the East Punjab Holdings (Consolidation & Prevention of Fragmentation Act, 1948 (for short, the '1948 Act') before the Commissioner, Karnal Division (for short, the 'Commissioner'), seeking therein correction in the revenue record which, according to him, did not commensurate with the consolidation scheme. Through order dated 19.05.2022, the petitioner's application was dismissed by the Commissioner for non-prosecution.

2. In November, 2023, the petitioner filed an application seeking therein restoration of his application filed under Section 42 of the 1948 Act. Since by that time, the powers to decide an application filed under Section 42 of the 1948 Act had been transferred by the State from the Commissioner of a Division to the Deputy Commissioner, the petitioner's restoration application

was taken up and heard by the Deputy Commissioner, Kaithal (for short, the 'DC'). Through order dated 11.02.2025, the DC dismissed the petitioner's restoration application only on the ground that the petitioner had not appended therewith a certified copy of order dated 19.05.2022 passed by the Commissioner dismissing the petitioner's application filed under Section 42 of the 1948 Act for non-prosecution. The order of the DC dated 11.02.2025 is the subject matter of challenge through the instant petition.

3. We have heard learned counsel for the parties and with their able assistance also gone through the record.

4. Once the powers to decide the application under Section 42 of the 1948 Act had been transferred by the State from the Divisional Commissioner to the Deputy Commissioners, the entire record must have been transferred from the office of the Divisional Commissioner to office of the DC. That being so, the order of the Commissioner dated 19.05.2022 would have been available on the record before the DC which she could have, without much trouble, been able to trace.

5. Even otherwise, through his restoration application, all that the petitioner sought was a decision on merits on the application filed by him under Section 42 of the 1948 Act.

6. In the light of the above facts, we deem it just and appropriate to set aside order dated 19.05.2022, passed by the Commissioner, Karnal Division and the order dated 11.02.2025 passed by the DC and direct the DC to consider the petitioner's application filed by him under Section 42 of the 1948 Act, on its merits, in accordance with law.

7. It is made clear that while issuing the aforesaid direction, we have not commented on the merits or maintainability of the petitioner’s application filed by him under Section 42 of the 1948 Act.
8. The writ petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

September 25th, 2025
sailesh

(LAPITA BANERJI)
JUDGE

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