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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5396-1999 (O&M)

Date of Decision : 04.05.2026

GRAM PANCHAYAT MAHALA

.... Petitioner

VERSUS

ADDL. DIRECTOR CONSOLIDATION AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Karan Garg, Advocate for the petitioner.

Mr. Akhil Kamra, AAG Punjab for respondent No.1.

Mr. J.S. Bhandohal, Advocate and

Ms. Manveer Kaur, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. Challenge in the present writ petition is to the order dated 26.11.1997 (Annexure P-4) passed by respondent No.1 on a petition filed by respondent No.2 under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the 'Consolidation Act, 1948').
2. Learned counsel for the petitioner would contend that the consolidation proceedings in the present case took place in the village in the year 1957-58. On 10.07.1967 a mutation was sanctioned in the name of Provincial Government of Punjab for the purpose of carving the drain through the land of respondent No.2 due to which the land of respondent No.2 was bifurcated. On 06.12.1993 respondent No.2 filed a petition under Section 42 of the Consolidation Act, 1948 for getting the land exchanged with the land of Gram Panchayat (petitioner herein). Reply was filed by the Gram Panchayat (petitioner herein) to the petition under Section 42 of the Consolidation Act, 1948. The said petition was accepted by respondent No.1 vide order dated 11.05.1994. The same

came to be challenged before this Court by filing a writ petition being CWP-6701-1996 which was disposed off on 29.07.1997 and the matter was remanded to respondent No.1. On remand the impugned order dated 26.11.1997 (Annexure P-4) has been passed. Aggrieved by the same, the present writ petition has been filed.

3. Learned counsel for the petitioner would contend that the authorities under the Consolidation Act, 1948 have no jurisdiction to direct exchange of the land.

4. Learned counsel for respondent No.2 has candidly admitted that the remedy lies under the Punjab Village Common Lands (Regulation), Act, 1961 and not under the Consolidation Act, 1948. Learned counsel for respondent No.2 states that respondent No.2 would have no objection if the impugned order dated 26.11.1997 (Annexure P-4) is set aside, however, liberty be granted to respondent No.2 to pursue the remedy as available in law.

5. In view of the above, the present writ petition is allowed and the impugned order dated 26.11.1997 (Annexure P-4) passed by respondent No.1 is set aside.

6. It is made clear the respondent No.2 would always be at liberty to avail the remedies as available in law.

(ALKA SARIN)
JUDGE

(RAMESH CHANDER DIMRI)
JUDGE

04.05.2026

Aman Jain

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No