
(1992) 08 P&H CK 0112
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7398 of 1987

Gram Panchayat	Vs	APPELLANT
The State of Punjab and Others		RESPONDENT

Date of Decision : 03-08-1992

Acts Referred:

Constitution of India, 1950 — Article 226, 227
East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 —
Section 42

Citation : (1992) 102 PLR 538

Hon'ble Judges : Harjit Singh Bedi, J

Bench : Single Bench

Advocate : Sanjay Majithia, for the Respondent

Final Decision : Allowed

Judgement

Harjit Singh Bedi, J.—The connected matters (C.W.P. Nos. 3664 and 4218 of 1987) which have been filed by the persons claiming to be the lessees of the land in dispute have been dismissed by my order of even date on the short ground that the petitioners therein have no locus standi to challenge the order impugned i.e. Annexure P-1. The present writ petition has been filed by the Grain Panchayat impugning the same order though identified as Annexure P-2 which had been impugned in those connected matters. Vide order Annexure P-2, the Additional Director, Consolidation of Holdings, Punjab, exercising the powers u/s 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, has given a positive finding that the land in question vested in the proprietors of the village and was not Shamlat Deh. He has also given a finding that it was the proprietors who were in possession of the property, although this fact has been stoutly disputed by the Gram Panchayat and the petitioners in the two connected cases, referred to above.

2. It has been argued by the counsel for the petitioner-Gram Panchayat that the land in question was Shamlat Deh in view of the documentary evidence which

had been produced. This stand has been controverted by Mr. Sanjay Majithia, learned counsel for the private respondents, arguing on, the strength of the written, statement and documents produced by him. I, however, find that the Director has disposed of the matter in a very casual manner. He has. made a reference to the fact that some evidence had been produced and he had considered the matter in that light. He has not discussed the evidence whatsoever. The finding recorded is reproduced below :--

"I have heard the parties in detail and have gone through the record placed on the file. I find that the request made by the petitioner is genuine. Their long possession over this land is borne out from the record. The petition is genuine and correct."

3. It is now well settled that the reasons given in a quasi judicial order cannot be supplemented by the pleadings filed in a writ petition. The order itself has to be a composite and complete one. This requirement is absolutely lacking in the order.

4. In view of what has been held above, this petition is allowed. Annexure P-2 is quashed and the matter is remanded to the Director Consolidation of Holdings, Punjab, for re-decision after giving the concerned parties an appropriate hearing. The parties are directed to be present before the said authority on 25th September, 1992. No costs. R.M.S. Petition allowed.