
(1996) 04 P&H CK 0046
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 760 of 1982

Inderjit

APPELLANT

Vs

Additional Director Consolidation, Punjab

RESPONDENT

Date of Decision : 24-04-1996

Acts Referred:

Citation : (1996) 2 CurLJ 118 : (1996) 3 RCR(Civil) 303

Hon'ble Judges : T.H.B.Chalapathi, J

Advocate : Mr. T.S. Sangha, Advocate., Advocates for appearing Parties

Judgement

T.H.B. Chalapathi, J. (Oral)

1. These two writ petitions are filed to quash the orders passed by respondents 1 and 2 which are annexed as Annexures P1, P2 in writ petition No. 760 of the 1982 and Annexure P3 and P4 in writ petition No. 1052 of 1982.

2. During the consolidation proceedings some land which originally belonged to Inder Jit Petitioner in CWP No. 760 of 1982 was allotted to Kartar Singh. The said land was acquired by the Government for construction of Harijan Colony in the year 1977. All the original owners including the petitioners received the compensation. Therefore, Kartar Singh filed an application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 for allotment of land to him in lieu of land acquired for which no compensation was paid to him. The Additional Director, Consolidation of Holdings, Punjab allowed the application filed by Kartar Singh and directed the Consolidation Officer to fit Kartar Singh at his B1 Major portion according to the rule of percentage after hearing all the concerned parties. Accordingly, the Consolidation Officer by his order dated 16.5.1980 reallocated the land after taking into account all the relevant factors. Against the order of Consolidation Officer, a petition was filed before the Additional Director, Consolidation of Holdings, Punjab, who by his order dated 3.11.1981 confirmed the order of the Consolidation Officer. One Inderjit Singh also filed a petition against the order of the Consolidation Officer dated 16.5.1980. The said petition was also dismissed

by the Additional Director, Consolidation of Holdings, Punjab, by his order dated 25.3.1981 vide Annexure P4.

3. Challenging the above orders, the petitioners approached this Court.

4. From the record, it is evident that the land which was allotted to Kartar Singh in the original consolidation proceedings was acquired by the Government for Harijan colony. At the time of acquisition proceedings, the Khasra Nos. which have been acquired by the Government stood in the names of original owners namely Inderjit, Brij Lal and others. Because the lands stood in their names, the compensation for acquisition of the lands was paid to them. Thus, Kartar Singh to whom the land was allotted during original consolidation proceedings was deprived of the land and also the amount of compensation. Therefore, he made an application for reallocation of the land in lieu of the land which has been acquired by the Government for Harijan colony. Additional Director remanded the matter to the Consolidation Officer directing him to examine the entire case afresh and allot the land according to the entitlement of the parties. After taking into account the various factors and entitlement of the various shareholders the Consolidation Officer directed the changes as indicated in his order dated 16.5.1980. On a perusal of the order of the Consolidation Officer, I am of the opinion that the Consolidation Officer has considered the entire material before him and after taking into account the various factors and after referring to the contentions of the parties and the changes that were made in the consolidation proceedings and the percentage of the various shareholders in the lands, he effected the changes as indicated in his order dated 16.5.1980. I do not find any error in the order of the Consolidation Officer. I am, therefore, of the opinion that the Additional Director Consolidation of Holdings, Punjab rightly confirmed the order of the Consolidation Officer. There cannot be any dispute that while exercising the extraordinary writ jurisdiction under Article 226 of the Constitution of India, this Court will not reappraise the evidence and will not interfere with the findings of facts recorded by the Tribunal below unless the findings arrived at by the Tribunal below are completely erroneous and in utter violation of the statutory provisions.

5. On a careful consideration of the entire case, I do not find any infirmity or illegality in the orders passed by respondents No. 1 and 2. I am, therefore, of the opinion that both the writ petitions are liable to be dismissed.

Accordingly, both the writ petitions are dismissed. There will be no order as to costs.