
(1984) 02 P&H CK 0070
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 43 of 1976

Jage	Vs	APPELLANT
Director, Consolidation of Holdings, Haryana		RESPONDENT

Date of Decision : 16-02-1984

Acts Referred:

Citation : (1984) ILR (P&H) 346 : (1984) PLJ 128 : (1984) RRR 350

Hon'ble Judges : D.S.Tewatia, J

Advocate : Mr. Raman Mahajan, Advocate., Advocates for appearing Parties

Judgement

D.S. Tewatia, J. (Oral)

1. Petitioners have impugned order dated 27.6.1975 of Director of Consolidation of Holdings in exercise of powers under section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the Act) whereby he accepted the application of Ram Singh son of Mohla in which he had requested for the change of existing path which passes through depression and had directed the consolidation Officer to inspect the spot and if it was found that, in fact, the existing path passed through depression and could not be used, then change the same and provide a suitable path after hearing the parties, on the ground that the Director of Consolidation having already rejected two similar applications vide order dated 7.11.1974 and 4.3.1975, he could not review those orders on a third application as he had no power of review. The petitioners have also impugned the orders of the Consolidation Officer, Settlement Officer, Assistant Director and finally the Director Consolidation which came to be passed in wake of order dated 27.6.1975.

2. The first application on which the order dated 7.11.1974 came to be passed was filed by seven persons including Chandgi son of Mohla respondent No. 3. The second application was filed by one Dhan Singh son of Shiv Chand and the third application on which the impugned order dated 27.6.1975 was passed was filed by Ram Singh son of Mohla.

3. In the written statement filed on behalf of Ram Singh, he has averred that he was not party to any proceedings under section 21(2), in which the objections filed by the petitioners were decided and the path provided in the scheme, which has now been restored, was at that time cancelled by the Consolidation Officer, that he was also not a party either to the first application or to the second application; and that he was in possession of his own share.

4. From a perusal of the three applications made under section 42 of the Act, Annexures P.3 & P.5, it is clear that Ram Singh, who is applicant to application Annexure P.7 was not a party to the earlier applications. From the orders Annexure P.4 and P.6 dated 7.11.1974 and 4.3.1975 respectively too it is clear that Ram Singh was not even summoned as respondent. Hence the decision dated 7.11.1974 and 4.3.1975 of the Additional Director would not be binding on him. Such being the position, the impugned order dated 27.6.1975 cannot be considered to be a decision reviewing the earlier decisions in question.

5. What is more, the petitioner had taken a chance when the case was remanded before the Consolidation Officer and had challenged his order before the Settlement Officer and the Assistant Director and finally before the Director Consolidation. Having failed there, they have raked up the question of legality of the order dated 27.6.1975. If they had any grievance against that order, they could have come to this court straightway.

6. For the reasons afore mentioned, I find no merit in this petition and dismiss the same.