

(2005) 07 P&H CK 0090
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1661 of 1983

Jangir Singh

APPELLANT

Vs

Additional Director, Consolidation of Holdings and Others

RESPONDENT

Date of Decision : 06-07-2005

Acts Referred:

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

Citation : (2005) 141 PLR 747 : (2005) 3 RCR(Civil) 785

Hon'ble Judges : Jasbir Singh, J

Bench : Single Bench

Advocate : Y.K. Sharma, for the Appellant; Onkar Raj and R.K. Honda, Addl.
A.G., for the Respondent

Final Decision : Allowed

Judgement

Jasbir Singh, J.—Petitioner has filed this writ petition under Articles 226/227 of the Constitution of India with a prayer to quash order, Annexure P/3.

2. It is apparent from the records that consolidation proceedings were in progress in the village in the year 1991. During repartition proceedings, petitioner was given land measuring 23 kanals 14 marlas, detail of the khasra Nos. allotted, has been given in para 2 of the writ petition. Petitioner was not satisfied and accordingly, he filed objections before the Consolidation Officer, who, after hearing the parties on 27.5.199 passed order Annexure P/I, vide which, grievance of he petitioner was redressed and he was allotted area as per his entitlement. Respondent Nos. 4 and 7 feeling aggrieved by the order passed, went in appeal before the Settlement Officer, who, after noticing arguments of both the parties, effected only minor changes in area allotted to them by the Consolidation Officer, vide order dated 24.9.1981 (Annexure P/2). Respondents, were still not satisfied, filed petition before the Director, Consolidation u/s 42 of The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act,

1948 (in short, "the Act"). It was primary grouse that shape of their "tak" was irregular. The then Additional Director Consolidation (respondent No. 1) vide order dated 8.9.1982 allowed that petition and virtually reversed the order passed by the Consolidation Officer, by allotting the entire land, which was allotted to the petitioner by the Consolidation Officer, to the private respondents. Hence, this writ petition.

3. Shri Sharma, appearing for the petitioner, has vehemently contended that while passing order Annexure P/3 and reversing allotment of land made to the petitioner by the Consolidation Officer, respondent No. 1 has not given any reason whatsoever. Perusal of the order indicates that the argument raised is perfectly justified. It has only been noticed by respondent No. 1 that shape of the "Kurra" ("tak") of land allotted to the private respondents is very poor. No further reason has been given. Even in this Court, to show that order passed was justified, no sketch plan has been placed on record by the private respondents. Even during arguments, counsel has failed to show as to how on account of this fact only, entire order passed by the Consolidation Officer in favour of the petitioner could have been reversed. If shape of the tak was irregular, the same could have been made proper by changing allotment of some khasra Nos. and not by reversing entire order passed by the Consolidation Officer. Respondent No. 1 being quasi judicial authority was supposed to give reasons to support his conclusion, which is lacking in the present case.

4. In view of the above, impugned order, Annexure P/3 is set aside and the matter is remitted to respondent No. I/Director Consolidation who shall pass a speaking order, after hearing the parties. Date of hearing be notified to the parties.

No order as to costs.