

---

**(1983) 03 P&H CK 0029**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 3881 of 1976**

Jowand Singh

APPELLANT

Vs

Additional Director Consolidation of Holdings, Punjab

RESPONDENT

---

**Date of Decision :** 03-03-1983

**Acts Referred:**

**Citation :** (1983) ILR (P&H) 263 : (1983) PLJ 495 : (1984) RRR 602

**Hon'ble Judges :** S.S.Sodhi, J

**Advocate :** N.S. Gujral, Advocate., Advocates for appearing Parties

---

## Judgement

S.S.Sodhi, J.—The challenge in this writ petition is to the order of the Additional Director Consolidation of December 30, 1975 (Annexure P.2) whereby a change was effected in the land allotted to the petitioner on consolidation. The petitioner in this case had been proceeded ex parte. It was observed in the impugned order that according to the report of the process server the petitioner had refused to accept summons. A copy of the summons had been affixed on his residence and despite this the petitioner did not appear.

2. It was the contention of Mr. Gujral appearing for the petitioner that the impugned order was contrary to law in that the Additional Director had decided the matter under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, without any appeal having been filed under Section 21(4) of the Act. Mala fides were also alleged against the Additional Director on the ground that Shri J.S. Minhas Additional Director Consolidation was married to the sister of one Lachhman Dass who was a friend of the respondent Baldev Singh.

3. The ground for imputing mala fides is clearly without basis. Such vague allegations cannot be accepted without anything more on record to raise any inference of mala fides.

4. Turning to the objections sought to be taken against the impugned order, it is pertinent to note that the petitioner had been proceeded ex parte. It was sought

to be contended here that in fact no notice had been served upon him as deliberately a wrong address had been given. If this, however, was the position the appropriate remedy for the petitioner was to approach the Additional Director to seek the setting aside of the impugned order and rehearing of the matter after affording him an opportunity of being heard. Resort to writ proceedings was in the circumstances clearly not warranted.

5. In this view of the matter the petitioner is relegated to his remedy of moving the Additional Director of Consolidation for the setting aside of the impugned order and for consideration of the matter afresh after affording him an opportunity of being heard. No objection on the ground of delay shall be taken if such application is filed within two months from the date of this order. The Additional Director of Consolidation shall consider any such application moved by the petitioner and decide it according to law. With these observations this writ petition is dismissed. There will, however, be no order as to costs.