
(1999) 09 P&H CK 0154

In the Punjab And Haryana At Chandigarh

Case No : Amended Civil Writ Petition No. 3683 of 1995

Kali Ram

APPELLANT

Vs

Director, Consolidation of Holdings and Others

RESPONDENT

Date of Decision : 01-09-1999

Acts Referred:

East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 —
Section 42

Citation : (2000) 124 PLR 74 : (2000) 1 RCR(Civil) 140

Hon'ble Judges : V.K. Jhanji, J

Bench : Single Bench

Advocate : S.K. Hooda, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jhanji, J.—In this petition, petitioner is seeking a writ in the nature of Mandamus directing the respondents to make compliance of order dated 2.4.1975. Challenge is also to order dated 20.10.1994 whereby application dated 13.5.1992 filed by the petitioner u/s 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (in short the Act) has been dismissed by the Joint Secretary, Haryana Government, exercising the powers of Director u/s 42 of the Act. It is the case of the petitioner that vide order dated 2.4.1975. Additional Director ordered that Amar Singh, now represented by legal representatives, namely, respondents 2 to 5 be adjusted at his first major portion. The Additional Director also directed that area previously held by Indraj and Rattan Singh along with the well in Killa No.6/27 owned by them be given as an additional Kurrah because it is over-assessed. According to the petitioner, the matter was remanded to the Settlement Officer, Consolidation of Holdings, for making necessary correction. It is further the case of the petitioner that he applied a number of times to the Director, Consolidation of Holdings, that compliance of order dated 2.4.1975 has not been made by making changes in accordance with the said order, but the Additional Director dismissed

the application. It is further the case of petitioner that vide application dated 13.5.1992, again a prayer was made to the Director for issuance of directions to the Consolidation Authorities for making compliance of order dated 2.4.1975, but the same has also been dismissed on 20.10.1994. It is contended that order dated 20.10.1994, Annexure P-7, is illegal for the reason that the Director has failed to consider the case on merits. It is contended that the prayer of the petitioner was only for compliance of order dated 2.4.1975 and therefore, such an application cannot be treated to be an application for review of order passed earlier by the Director. Upon notice of the writ petition, written statement has been filed on behalf of respondents 9 to 11. Respondents have contended that the property in dispute has changed hands with the passage of time between the several owners and heirs and they have made improvement by leveling the land and installing tube-well and further making it fertile, it is contended that no relief can be granted to the petitioner after a lapse of 25 years.

2. After hearing the learned counsel and going through the record, I am of the view that no exception can be taken to order dated 20.10.1994 passed by the Director in exercise of his powers u/s 42 of the Act. A reading of order dated 20.10.1994, Annexure P-7, shows that the matter had come to this Court and certain directions were given by this Court on 10.2.1986. In compliance with the directions given by this Court, the matter was determined by the Consolidation Officer, and order dated 17/19.5.1987 was passed. Feeling aggrieved of the said order, petitioner filed an application u/s 42 of the Act before the Director, which was dismissed on 10.5.1988. Another application No.76/88 filed u/s 42 of the Act by the petitioner was dismissed on 11.7.1989. In this petition, petitioner is not making any challenge to orders dated 10.5.1988 and 11.7.1989. In my view because of orders dated 10.5.1988 and 11.7.1989, the Director has rightly declined to interfere with the said orders on the ground that the order if passed, would amount to review of the earlier orders. Faced with this situation, learned counsel contended that the Courts always possess the inherent powers to review their orders. I do not find any merit in this contention of the counsel. The Courts do not possess inherent powers to review their orders. Power to review has to be created by a statute and when so conferred, it has to be exercised in accordance with the statutory provisions. Admittedly, in the Act there is no provision conferring powers upon the Director to review his earlier order. It also deserves to be noticed at this stage that petitioner has not even annexed copy of orders dated 10.5.1988 and 11.7.1989. More so, at the time of motion hearing, for admission of this writ petition reliance was placed upon admission of Civil Writ Petition No. 9071 of 1988 and an order of status-quo re-possession was obtained but at the final hearing counsel fairly conceded that the matter in controversy in CWP No. 9071 of 1988 is totally different than one involved in this case.

3. Consequently, the writ petition being without any merit shall stand dismissed.