
(2012) 03 P&H CK 0411
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 1433 of 2011 (O and M)

Kitab Singh	Vs	APPELLANT
State of Haryana and others		RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

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

Citation : (2012) 03 P&H CK 0411

Hon'ble Judges : Tej Pratap Singh Mann, J; Satish Kumar Mittal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satish Kumar Mittal, J.—This Letters Patent Appeal has been filed against the order dated 27.4.2011, passed by the learned Single Judge, whereby the writ petition (Civil Writ Petition No. 7228 of 2011) filed by appellant Kitab Singh for setting aside the order dated 13.12.2010 (Annexure P-9) passed by the Commissioner, Hisar Division, Hisar, exercising the powers of the Director Consolidation, Haryana, has been dismissed. Though there is delay of 3 days in filing this appeal and the appellant has filed application (CM No. 3936-LPA of 2011) for condoning the delay, yet we have heard learned counsel for the appellant on merits, and gone through the impugned order as well as the order dated 13.12.2010, passed by the Director Consolidation.

2. Undisputedly, it is the case of the appellant that when the consolidation took place in the village, he was allotted less area, therefore, deficiency in the area allotted to him be made good. Admittedly, the consolidation proceedings took place in the year 1962-63. During the said proceedings or immediately thereafter, the appellant did not approach the authorities by filing appeal or revision, provided under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter referred to as 'the Act'). However, after the lapse of about 45 years, the appellant moved an application u/s 42 of

the Act for making good the deficiency in the area allotted to him. The Commissioner, Hisar Division, Hisar, exercising the powers of the Director Consolidation, Haryana, dismissed the said application on the ground that the application was hopelessly time barred and at such a highly belated stage, the consolidation proceedings cannot be re-opened afresh. It is settled law, as has been held by the Hon''ble Supreme Court in Gram Panchayat, Kakran Vs. Addl. Director of Consolidation and Another, that an application u/s 42 of the Act is to be filed within a reasonable time. Thus, we do not find any ground to interfere in the order passed by the learned Single Judge. No merit. Dismissed.