

(2000) 11 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 111 of 1998

Krishan Chand

APPELLANT

Vs

Additional Director Consolidation of Holdings, Punjab

RESPONDENT

Date of Decision : 24-11-2000

Acts Referred:

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

Citation : (2000) 11 P&H CK 0033

Hon'ble Judges : K.S. Garewal, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Mr. Jasbir Singh, for the Appellant; Mr. S.K. Singla and Mr. Surjit Singh Swatch, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioner is aggrieved by the order dated November 11,1997 passed by the Additional Director Consolidation of Holdings, Punjab. He prays that the order be quashed.

2. Notice of motion was given. The respondents have put in appearance.

3. Counsel for the parties have been heard.

4. Mr. Jasbir Singh, learned Counsel for the petitioner, contends that the Additional Director has erred in setting aside the orders passed by the Consolidation Officer, the Settlement Officer and the Assistant Director under the provisions of the statute. No reasons have been given. Thus, the order passed by the Additional Director in exercise of the power u/s 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 is vitiated. The claim made on behalf of the petitioner has been controverted by the learned Counsel for the respondents. It has been pointed out that the Consolidation Officer had passed the order without hearing respondent-Sita Ram. Thus, his petition has been rightly accepted by the authority.

5. A perusal of the order passed by the Additional Director clearly shows a firm finding of fact that the order was passed by the Consolidation Officer "without providing any opportunity of hearing". Still further, a perusal of the order passed by the Consolidation Officer, a copy of which is at Annexure P1 with the writ petition, shows that the presence of respondent-Sita Ram was not even recorded. It is, thus, clear that Sita Ram was not present when he had passed the order which was impugned before the Additional Director. Nothing has been pointed out to show that the finding recorded by the Additional Director is wrong or that Sita Ram was actually present and heard.

6. In this view of the matter we find no ground to interfere with the impugned order.

7. Resultantly, the writ petition is dismissed. No costs.

8. Petition dismissed