
(1982) 11 P&H CK 0045
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4350 of 1975

Sunheri Devi (died) and others APPELLANT
Vs
State of Haryana and others RESPONDENT

Date of Decision : 29-11-1982

Acts Referred:

Citation : (1983) ILR (P&H) 464 : (1983) PLJ 356 : (1984) RRR 459

Hon'ble Judges : I.S.Tiwana, J

Advocate : D.S. Bali, Advocate., Advocates for appearing Parties

Judgement

I.S.Tiwana, J.(Oral)

1. The petitioners impugn the order of the Director of Consolidation of Holdings, dated February 20, 1975, Annexure P5 whereby he ordered certain adjustments in the boundaries of two Khasra Nos. i.e. 1609 and 1610. The sole grouse of the petitioners is that this has been so done by the Director without affording them an opportunity of being heard. It is not a matter of dispute before me that the petitioners as well as respondent Nos. 5 and 6 and few others are cosharers in the land in question and respondents Nos. 5 and 6 had duly been served in those proceedings and were present before the Director at the time of the passing of the impugned order. The case of the petitioners, however, is that respondent Nos. 5 and 6 had lost all interest in this property and it were the petitioners only who were interested and therefore respondent Nos. 5 and 6 could not represent the petitioners at the time of the passing of the impugned order. Learned counsel further maintains that all persons interested in a particular litigation have to be served by the consolidation authorities before any order to the disadvantage of any of them can be passed. There is no dispute with regard to the last mentioned statement that persons who are likely to be affected as a result of a particular litigation are required to be served or heard before any final order can be passed. At the same time, it is well laid by now that in these proceedings before the consolidation authorities if the interest of a joint holding is represented by a cosharers then that has to be taken as a good representation on behalf of other

cosharers also.

2. So far as the stand of the learned counsel is concerned that respondent Nos. 5 and 6 were not interested in the result of the litigation and they could not be represented, no material has been placed on record to show as to how respondents Nos. 5 and 6 had lost their interest in the joint holdings. As already pointed out, it is not disputed that they were cosharers with the petitioners so far as this area is concerned and in the absence of any material on record to show their loss of interest, they are presumed to be having a common interest with the petitioners in the light of this. I do not find any merit in the stand taken by the learned counsel for the petitioners.

3. For the reasons recorded above, this petition fails and is dismissed. No costs.