

Case No.141/2013

Sh. Ashok Kumar & Anr. Vs Consolidation Officer(Village Bakoli)

30.1.2014

Present : Ms. Deepti Dogra, Counsel for the Petitioners
: Shri S. K. Suryan, Counsel for the Respondent

This order shall dispose of Revision Petition under section 42 of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 filed by petitioners Shri Ashok Kumar and Shri Hari Kishan for direction to the Consolidation Officer to hand over the possession of land measuring (1-13) North comprising of Kh. No.25/28 situated in the Revenue Estate of Village Bakoli.

Brief facts of the case are that the petitioners are the purchaser of the land measuring (1-13) comprising in Kh. 25/28 in the Village Bakoli from the original allottee. It is mentioned by the Petitioners that possession of the said land was not given to them. For this purpose, they moved an application on 25.2.2013 and again on 8.4.2013 before the Consolidation Officer/Tehsildar(Narela), but the Consolidation authorities failed to discharge their obligatory duty of handing over possession of the land to the petitioner. However, on their application, Consolidation officer/Tehsildar(Narela) passed an order stating that "*applicant may be asked to file appeal before higher authorities i.e. Hon'ble Financial Commissioner, PUC may be filed accordingly.*"

Shri S. K. Suryan, Counsel for Consolidation Officer informed this Court that the consolidation proceedings in the village have already been completed and the records have been consigned to record room. This being so, the Consolidation Officer has become *functuous officio* as on date and he can now act, only if this Court directs him to do the needful.

Both the sides agreed that the matter be remanded to the Consolidation Officer so that grievances of the petitioners are heard and addressed.

Accordingly, the matter is remanded back to the Consolidation Officer, Village Bakoli with the directions to hear the petitioners and other parties, if any, and decide the matter strictly as per law.

With the above directions, the matter is disposed of. Announced in open Court. File be consigned to record room after completion.

- Sd -

Financial Commissioner
Delhi