

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17300 of 2011

Date of decision : 11.02.2015

Devinder Kaur & anr.

....Petitioners

V/s

The State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Singla, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Gaurav Arora, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioners have sought writ in the nature of certiorari for quashing orders Annexures P1, P4, P5 & P6 respectively.

Stand of the petitioners is that Naksha Bey was not according to mode of partition. A perusal of mode of partition would show that possession was to be kept intact but same had been disturbed. Petitioners had never been afforded opportunity to object to Naksha Bey. Thus, impugned orders deserve to be set-aside.

Prayer has been opposed by learned counsel representing respondents. According to them, petitioners were given seven opportunities for filing objection to Naksha Bey. On 17.01.2006, Assistant Collector Grade-I rejected the objections to Naksha Bey as counsel for the petitioners submitted that he did not wish to argue over the Naksha Bey.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that petitioners earlier preferred a writ petition (*CWP No. 8465 of 1997*) before this court which was decided on 16.12.1999. It was directed therein that partition proceedings be completed within six months yet same are pending till now. After the order was passed by Assistant Collector on 17.01.2006, petitioners availed the remedy of appeal and revision etc. Respondents took the plea that they were not in possession of any land, thus according to mode of partition, petitioners would have to relinquish their possession over the Kurra which was proposed to be given to respondents. I find no infirmity with the orders passed. It is evident that in case private respondents are not in possession of any land, petitioners would be interested in delaying the proceedings. It appears that sanad taksim was also issued on 29.06.2007. However, partition proceedings have been lingering on. I am of the considered view that no further delay can be brooked. No ground is made out for interference in concurrent findings of the revenue authorities. Writ petition is without any merit and is hereby dismissed.

February 11, 2015
Ajay

(RAJAN GUPTA)
JUDGE