

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.24409 of 2011

Date of Decision:-25.03.2015

Chanda Ram & Ors.

.....Petitioners.

Versus

Financial Commissioner, Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vineet Chaudhary, Advocate for the Petitioners.

Mr. Shivendra Swaroop, AAG Haryana.

Mr. Sandeep Goyal, Advocate for
respondent nos.11,20,21 & 22.

JASWANT SINGH, J.(ORAL)

The dispute is between the family members regarding partition of agricultural land measuring 77 Kanal 11 marlas situated in the revenue estate of Chuhar Majra, District Kaithal. The Assistant Collector, IInd Grade, Dhand had finalized mode of partition on 19.05.2005. The *Sanad Taksim* was also issued on 8.9.2005. However, it transpires that prior to the issuance of the *Sanad Taksim* some of the co-sharers had filed an appeal before the Collector against the Order dated 18.05.2005 passed by the Assistant Collector before finalizing the mode of partition. The said appeal was accepted vide order dated 18.4.2007 and the matter was remanded back to the Assistant Collector, IInd Grade for fresh decision of mode of

partition. Since the *Sanad Taksim* had been issued on 8.9.2005, the petitioners filed an appeal before the Commissioner, Ambala Division, Ambala against the order of 18.04.2007, which was accepted vide order dated 14.5.2008 on the ground that the appeal pending before the Collector had become infructuous. The said order was challenged by some of the co-sharers by filing a civil writ petition before this Court and the writ was allowed with the direction to the Commissioner to pass afresh order. Accordingly the Commissioner, Ambala Division passed a fresh order dated 28.08.2009 remanding the case back to the Assistant Collector for preparation of a fresh *Naksha Bey*. Aggrieved against the order dated 28.08.2009, the petitioners filed a representation, which has been dismissed vide impugned order dated 27.09.2011.

Upon notice parties had put in their appearance.

During the earlier course of hearing the parties were referred for mediation before the Mediation and Conciliation Centre of this Court. As per report received the parties have arrived at an amicable settlement vide the written settlement deed dated 11.02.2015, which is available at Flag-A. As per the terms of the settlement it has been agreed that the partition proceedings shall be undertaken afresh by the Assistant Collector, IInd Grade by considering the terms and conditions enumerated in the deed dated 11.02.2015 while also providing a suitable passage.

At the time of hearing learned Counsel for the parties jointly states that the present writ petition has become infructuous in the light of the settlement deed dated 11.02.2015.

Disposed of as infructuous. However, the parties shall be bound by their respective statements. It is hoped that the revenue officials

will finalize the pending partition proceedings at the earliest. Parties to appear before the appropriate authority on 28.04.2015.

**(JASWANT SINGH)
JUDGE**

March 25, 2015
Vinay