

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

CWP No.15691 of 2015

Date of Decision:-03.08.2015

Kuldip Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sunil Agnihotri, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Challenge in the present petition is to the order dated 18.11.2010 (**P-1**) passed by the Tehsildar-cum-Assistant Collector, Ist Grade, Mukerian whereby the land in question has been partitioned and subsequently *Sanad Taksim* has also been issued by respondent no.4 on an application for partition moved by respondent nos.5 to 9.

Learned Counsel for the petitioner has argued that it is apparent from the record that the partition proceedings were completed only qua one person and qua the remaining, no partition had taken place and therefore, the impugned order is liable to be set aside.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and same deserves to be dismissed.

It is apparent from the record that in the present petition

challenge is to the order dated 18.11.2010 (**P-1**) passed by the Assistant Collector Ist Grade, in a partition application moved by respondent nos.5 to 9 on 15.02.2010 qua land situated at village Mann Hadbast No.267, Tehsil Mukerian, District Hoshiarpur. It is an admitted position that *Sanad Taksim* has also been issued by respondent no.4 i.e. Assistant collector Ist Grade, Hoshiarpur and it is after inordinate delay of more than 5 years that the present petition has been filed before this Court. The petitioner very fairly concedes that it is for the first time in the year 2013 that the *Sanad Taksim* was challenged before the Financial Commissioner, Punjab which has been dismissed on 14.03.2014 on the ground of inordinate delay of 483 days delay in filing the said revision petition. No sufficient explanation is coming forth as to why there has been inordinate delay of so many years in preferring the petition even before the Financial Commissioner. Admittedly, the partition that has been done includes the house where the petitioner is claiming right as well and, therefore, it cannot be said that the petitioner was not in knowledge of the proceedings that culminated into order dated 18.11.2010 (**P-1**).

1. Therefore, this Court is of the opinion that the Court will not go into the merits of the case at this stage, in view of the inordinate delay on part of the petitioner, which have gone unexplained and, therefore, present petition is hereby dismissed accordingly.

(JASWANT SINGH)
JUDGE

August 03, 2015
Vinay