

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

Civil Writ Petition No.21877 of 2013

Date of Decision: 09.03.2015

Jagdish Singh and another

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Aakash Singla, Advocate for the petitioners.

Mr. V. Ram Swaroop, Addl. Advocate General, Punjab
for respondent Nos.1 to 3.

Mr. J.S.Bhandohel, Advocate for respondent No.4.

JASWANT SINGH, J. (Oral)

The present writ petition arises out of partition proceedings initiated by respondent No.4-Paramjit Singh before the Assistant Collector 1st Grade (Tehsildar), Patiala/respondent No.3 by impleading his brother Jagdish Singh/petitioner No.1 and his mother-Jaswant Kaur/petitioner No.2, apart from other co-sharers.

It is not in dispute that keeping in view the respective shares of the parties, Naksha "Urre" was prepared and objections were invited. It is at that stage, the petitioners filed their objections, which have been dismissed, vide the impugned order dated 24.12.2012 (**P-1**) as also the order dated 18.06.2013 (**P-2**), passed by the Revisional Authority/Collector, Patiala under Section 16 of the Punjab Land Revenue Act, whereby the revision of the petitioners against order dated 24.12.2012 (**P-1**) has been dismissed. The objections of the petitioners regarding the pendency of the challenge to the title having been raised by the Charanjit Kaur and one

Kuldeep Kaur being pending has been rejected on the ground that the title of the parties for the present is clear in view of the decree dated 02.03.2007 regarding share of one Gurbachan Singh @ Bachna and there being no stay by any competent Court, the partition proceedings cannot be kept in abeyance.

At the time of hearing, learned Counsel for the petitioners in the light of preliminary objections raised by the official as well as private respondents that there is a second revision maintainable against the impugned order dated 18.06.2013 (P-2) and thus the remedy having not been exhausted, the writ petition is not maintainable, prays for permission to withdraw the present petition to enable him to seek his remedy in accordance with law.

Learned Counsel for the contesting respondents has no objections to such a recourse.

Dismissed as withdrawn with the aforesaid liberty.

March 09, 2015
Gagan

(JASWANT SINGH)
JUDGE