

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 21191 of 2015
Date of Decision: October 05, 2015

Shankar Dass

... Petitioner

Versus

Financial Commissioner (Appeals-I), Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Arun Takhi, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 19.12.2012 (Annexure P/6) passed by Assistant Collector Ist Grade, Balachaur whereby mode of partition has been approved, order dated 29.11.2013 (Annexure P/7) whereby partition application filed by Jaspal son of Hansraj has been accepted, sanad takseem dated 17.02.2014 (Annexure P/8) and order dated 16.07.2015 (Annexure P/10) passed by respondent no.1 – Financial Commissioner (Appeals-I), Punjab whereby revision petition filed by the petitioner has been dismissed.

After following the procedure, the Assistant Collector First Grade, Balanchaur, ordered to proceed to effect the partition according to the shares of the parties. That already stands completed. Even instrument of partition has been issued on 17.02.2014. Petitioner is now impugning the order of framing of mode of partition vide order dated 05.11.2012 which has been finalised on 19.12.2012. From the perusal of mode of partition, it is clear that the same is in consonance with the settled principles of partition. It has been specifically mentioned that the land shall be partitioned in accordance with the nature of land and also partition shall be effected by keeping the possession intact as far as possible. There is no other clause which can be disputed by the petitioner, nor has been disputed.

In view of above, I do not find any illegality or perversity in the basic order and the subsequent proceedings.

Dismissed in limine.

October 05, 2015
vkd

[Paramjeet Singh]
Judge