

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 21235 of 2015

Date of Decision: October 05, 2015

Karamjit Singh

... Petitioner

Versus

Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Ms. Navin Malik and
Ms. Bhupinder Pal Kaur Brar, Advocates,
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 mandamus directing respondents no.1 to 4 to implement the partition of land as per order dated 04.02.1992 (Annexure P/1) passed by respondent no.3 – Assistant Collector First Grade, Rampura Phul, District Bathinda.

Learned counsel for the petitioner contends that land in question has been partitioned. Actually no possession was given, although rapat roznamcha is alleged to have been entered. None of the parties, including the present petitioner, has challenged the order dated 04.02.1992 (Annexure P/1).

I have considered the contentions raised by learned counsel

for the petitioner and perused the paper-book.

Section 122 of the Punjab Land Revenue Act, 1887 reads as under:-

“122. Delivery of possession of property allotted, on partition – An owner or tenant to whom any land or portion of a tenancy, as the case may be, is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and their legal representatives, and a Revenue-officer shall, on application made to him for the purpose by any such owner or tenant at any time within three years from the date recorded in the instrument of partition under the last foregoing section, give effect to that instrument so far as it concerns the applicant as if it were a decree for immoveable property.”

As per Section 122 of the Punjab Land Revenue Act, if application under this Section for delivery of possession is not made after three years, the revenue officer will have no jurisdiction over the matter and only the civil court could direct the delivery of possession.

In view of above, instant writ petition is dismissed. However, petitioner will be at liberty to avail the remedies available to him in accordance with law.

October 05, 2015

[Paramjeet Singh]
Judge