

CWP Nos.9066, 9355 and 9081 of 2011

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

Date of Decision: 02.02.2015

1. CWP No.9066-2011

Kirpal Singh

... Petitioner(s)

Versus

Financial Commissioner (Appeal-I), Punjab and others

... Respondent(s)

2. CWP No.9355-2011

Kirpal Singh

... Petitioner(s)

Versus

Financial Commissioner (Appeal-I), Punjab and others

... Respondent(s)

AND

3. CWP No.9081-2011

Kirpal Singh

... Petitioner(s)

Versus

Financial Commissioner (Appeal-I), Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

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Present: Mr. Sarju Puri, Advocate for
the petitioner along with petitioner in all the petitions.

Dr. Deepa Singh, Addl. A. G. Punjab.

Mr. G.S.Nagra, Advocate,
for respondents no.5 to 8 along with respondent no.5-Ajit
Singh in all the petitions.

Paramjeet Singh, J.(Oral)

This order shall dispose of CWP Nos.9066, 9355 and 9081 of 2011 as common questions of fact and law are involved in all the petitions.

Before proceeding further, a brief reference to the facts is necessary which are being extracted from CWP No.9066-2011.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the orders dated 13.01.2011 (Annexure P-6), 02.05.2006 (Annexure P-4), 09.02.2005 (Annexure P-3) and 30.05.2002 (Annexure P-2) passed by respondents no.1 to 4, respectively, whereby partition proceedings have been carried out *ex parte* without service of notice upon the petitioner.

I need not narrate the entire facts in detail. However, relevant facts are to the effect that respondents no.5 to 8 filed application for partition. After following the procedure laid down under the provisions of the Punjab Land Revenue Act, 1887 (in short, 'the Act'), the petitioner was proceeded against *ex parte* and partition proceedings were initiated. The petitioner has challenged the partition proceedings on the grounds that he is a resident of Canada and he was not duly served in accordance

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with law, therefore, *ex parte* proceedings against the petitioner are against law specially Sections 20 (2) and 20 (4) of the Act.

I have heard learned counsel for the parties and perused the record.

During the pendency of writ petition, parties have effected compromise which is taken on record as Ex.CX. The parties have agreed that without setting aside the entire proceedings, direction be issued to respondent no.4-Assistant Collector-Ist Grade, Nawashahar to modify the *Naksha Bey* as per the compromise Ex.CX.

In view of above, impugned orders dated 09.02.2005 (Annexure P-3), 02.05.2006 (Annexure P-4) and 13.01.2011 (Annexure P-6) are set aside. Respondent no.4-Assistant Collector-Ist Grade, Nawashahar is directed to modify the *Naksha Bey* in terms of compromise Ex.CX and thereafter finalize the further proceedings. Parties through their counsel are directed to appear before respondent no.4 on 23.02.2015. It is clarified that area detailed in the compromise shall be treated as share of parties to the compromise.

Disposed of in the aforementioned terms.

02.02.2015
parveen kumar

(Paramjeet Singh)
Judge