

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

CWP No. 9774 of 2012

Date of decision : 11.02.2015

Gurmej Singh

....Petitioner

V/s

Financial Commissioner & Principal Secretary
to Govt. of Hry. & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

RAJAN GUPTA J.

Petitioner has sought writ in the nature of certiorari for quashing orders Annexures P1, P4, P5 & P6 respectively.

Stand of the petitioner is that he was never made party to the partition proceedings. Partition had not taken place according to mode of partition. Thus, impugned orders deserve to be set-aside.

Plea of the State is that partition proceedings were initiated at the behest of respondents no. 5 & 6 on 30.11.1993 before Assistant Collector, Nilokheri. Same have been pending since then. Petitioner being subsequent vendee from respondent no. 6 has no locus standi to seek quashing of orders passed by the revenue authorities.

I have heard learned counsel for the parties.

By separate order of even date, this court had already disposed of the main petition (CWP No. 17300 of 2011) pertaining

to same partition proceedings. The orders passed by revenue authorities have been upheld therein. One of the co-sharers i.e. Pritam Singh is respondent no. 6 in the said petition. Admittedly, petitioner purchased the land from Pritam Singh vide sale-deed no. 1600/A dated 31.01.2000. His plea that he was not impleaded as a party to the partition proceedings is without any basis. In fact application for partition was moved by two brothers Manmohan Singh and Pritam Singh. Pursuant to same, sanad taksim was prepared on 03.05.1993. However, the case remained pending as the matter was remitted to Assistant Collector for decision afresh. Ultimately the case was decided by Financial Commissioner, Haryana vide his order dated 04.04.2011. Same has been upheld in decision rendered in *CWP No. 17300 of 2011*. Petitioner has merely stepped into the shoes of Pritam Singh. It is evident that petition preferred by petitioner (Gurmej Singh) is totally frivolous. Same is without any merit and is hereby dismissed.

February 11, 2015

Ajay

(RAJAN GUPTA)
JUDGE