

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

**C.W.P. No. 731 of 2015
Date of Decision: January 16, 2015**

Harpal Singh

... Petitioner

Versus

Assistant Collector Ist Grade (Tehsildar) Malout & others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. G.L. Bajaj, 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 for quashing of order dated 31.03.2011 (Annexure P/1) passed by respondent no.1 – Assistant Collector Ist Grade, Malout.

The petitioner is only aggrieved against the mode of partition proposed and approved by the Assistant Collector Ist Grade vide order dated 31.03.2011 (Annexure P/1). The only contention raised by the learned counsel for the petitioner is that it has not been specifically mentioned in the mode of partition that what does the quality of land means. Learned counsel further contends that the land which is nearer to the village and is touching the main road has a high incremental value. As

such, in the mode of partition, it should have been specifically mentioned.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Clause I of the mode of partition reads as under:-

“1) Partition shall be made by disturbing the possession and keeping in view the quality of the land.”

Said clause clearly says that possession can be disturbed keeping in view the quality of the land. This Court has no doubt that while taking into consideration clause I of the mode of partition, the Assistant Collector Ist Grade will take into consideration the quality of land i.e. chahi, berani, nehri and also the proximity of the land to the abadi and the metttled road and the same shall be proportionately allotted according to share of the parties.

In view of this, present writ petition is disposed of in the above terms without giving notice to the respondents. This is only explanation of the quality of land.

January 16, 2015
vkd

[Paramjeet Singh]
Judge