

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

LPA No. 1476 of 2015 ( O&M )  
DATE OF DECISION : 08.10.2015

Kuldip Singh

.... APPELLANT

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL  
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sunil Agnihotri, Advocate,  
for the appellant.

\* \* \*

**SATISH KUMAR MITTAL, J.** ( Oral )

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 03.08.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 15691 of 2015) filed by the appellant challenging the order dated 18.11.2010 (Annexure P-1) has been dismissed, while observing as under :-

*“It is apparent from the record that in the present petition challenge is to the order dated 18.11.2010 (P-1) passed by the Assistant Collector Ist Grade, in a partition application moved by respondent nos.5 to 9 on 15.02.2010 qua land situated at village Mann Hadbast No.267, Tehsil Mukerian, District Hoshiarpur. It is an admitted position that Sanad Taksim has also been issued by respondent no.4 i.e. Assistant Collector Ist Grade, Hoshiarpur and it is after inordinate delay of more than 5 years that the present petition has been filed before this Court. The petitioner very fairly*

*concedes that it is for the first time in the year 2013 that the Sanad Taksim was challenged before the Financial Commissioner, Punjab which has been dismissed on 14.03.2014 on the ground of inordinate delay of 483 days delay in filing the said revision petition. No sufficient explanation is coming forth as to why there has been inordinate delay of so many years in preferring the petition even before the Financial Commissioner. Admittedly, the partition that has been done includes the house where the petitioner is claiming right as well and, therefore, it cannot be said that the petitioner was not in knowledge of the proceedings that culminated into order dated 18.11.2010 (P-1).”*

The only argument raised by learned counsel for the appellant is that in the partition application, the appellant was illegally proceeded against ex-parte, therefore, the order of partition is bad in law. We do not find any substance in this argument. Undisputedly, at no stage, the appellant filed an application for re-calling the order of ex-parte passed against them. Secondly, in this case, *Sanad Taksim* was issued long back and the writ petition was filed after about five years. While noticing all these facts, which have not been controverted by the appellant, the learned Single Judge has rightly dismissed the writ petition, vide the impugned order.

No merit. Dismissed.

**( SATISH KUMAR MITTAL )**  
**JUDGE**

**October 08, 2015**  
ndj

**( MAHAVIR S. CHAUHAN )**  
**JUDGE**