

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

LPA No.1491 of 2015 (O&M)

Date of Decision:-14.10.2015

Ajay Pal Singh

.....Appellant

Versus

Prabtej Singh and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr.Shailendra Jain, Sr. Advocate with
Mr. Vikrant Rana, Advocate
for the appellant.

SATISH KUMAR MITTAL, J.(Oral)

The appellant at whose behalf partition proceedings of joint land measuring 1589 kanal 18 marlas were initiated before the Assistant Collector First Grade, Rupnagar, under Section 111 of Punjab Land Revenue Act, 1887, has filed the instant intra-court appeal under clause-X of the Letters Patent against the order dated 08.09.2015 (CWP No.5025 of 2013) passed by learned Single Judge, whereby the order of exparte proceedings and subsequent proceedings were set aside, and the parties were relegated to appear before the Assistant Collector First Grade, with a direction that the Assistant Collector First Grade will decide the partition proceedings from that stage afresh.

In this case, the finding of fact has been recorded that respondent No.1 to 4 were wrongly proceeded against exparte on the basis of proclamation report. It has been found as a fact that in the

present case there is violation of Section 20 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as 'the Act'). The Assistant Collector First Grade, straight away ordered for proclamation when the case was at the stage of service and was fixed for supply of correct addresses of unserved respondents. Even ordering proclamation no reasons was recorded. The learned Single Judge on this ground found the exparte order and subsequent proceedings as illegal and contrary to the provisions of the Act.

Faced with this factual and legal position, learned counsel for the appellant only pointed out towards certain observations made by learned Single Judge, to the effect that “ in the exparte partition made by the Court, the respondent has got better located land which would be detrimental to the interests of the petitioners” which may prejudice the case of the appellant before the Assistant Collector First Grade. To that extent, we observe that those observations may not influence the Assistant Collector First Grade, while partitioning the land in question.

With these observations, we dismiss this appeal with further direction to the Assistant Collector First Grade to expedite the partition proceedings preferably within a period of nine months.

(SATISH KUMAR MITTAL)
JUDGE

14.10.2015
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(HARI PAL VERMA)
JUDGE