

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.289 of 2015 (O&M)
Date of Decision: February 23, 2015

Pirthi Raj and othersAppellants
versus
Commissioner, Ferozepur Division, Ferozepur and
othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Surinder Pal Singh Tinna, Advocate,
for the appellants.

-. -

1. *Whether Reporters of 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?*

Surya Kant, J. (Oral)

The order dated 09.12.2014 whereby learned Single Judge has rejected the appellants' challenge to the mode of partition sanctioned by the Assistant Collector, 1st Grade, Abohar, is under challenge in this letters patent appeal.

The case of the appellants is that they are tenants in possession of the entire joint land-holding measuring 239 kanals 18 marlas, since the year 1950. However, in due course of time, the appellants are said to have purchased a substantial part of the land-holding through six sale deeds executed on different dates in the years 1993, 1995 and 2005. One of the co-sharer (Parkash Chand) did not sell his share and has

sought partition of the joint holding. It was in those proceedings that the Assistant Collector, 1st Grade, Abohar vide order dated 22.08.2012 sanctioned the mode of partition.

The appellants have two-folds grievance against the above-stated order. Firstly, they allege that their specific objections filed alongwith the written statement have been completely over-looked by the Assistant Collector, 1st Grade, and secondly, they claim that the mode of partition ought to have a specific clause for the protection of their tenancy rights.

We have heard learned counsel for the appellants and gone through the paper-book.

The record reveals that the appellants, firstly, approached the Collector and then Commissioner, Ferozepur Division, Ferozepur against the order dated 22.08.2012 of the Assistant Collector, 1st Grade, but both the authorities declined to interfere primarily on the ground of non-maintainability of the appeal and revision, respectively. The appellants then approached this Court but the learned Single Judge has also dismissed their writ petition.

In our considered view, if the appellants have already filed written statement alongwith objections against the mode of partition, the Authority concerned would deal with those objections and decide the same in accordance with law. As of now, we do not want to comment upon the allegations made by the appellant-tenants least it causes any prejudice to either party. We thus, decline to interfere with the order dated 09.12.2014 passed by the learned Single Judge but dispose of this appeal with a direction to the Assistant Collector, 1st Grade, Abohar to look into the objections, if any,

LPA No.289 of 2015 (O&M)

[3]

submitted by the appellants and deal with the same in accordance with law.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 23, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE

113 CM No.574 of 2015 in
LPA No.289 of 2015

- - -

Pirithi Raj and others versus Commissioner, Ferozepur Division
& ors.

Present : Mr.Surinder Pal Singh Tinna, Advocate,
for the applicant-appellants.

* * *

For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 18 days'
delay in re-filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

February 23, 2015

Mohinder

(RAJ MOHAN SINGH)
JUDGE