

CWP-10053-2015

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

**CWP-10053-2015
Date of Decision: 19.05.2016**

Baljinder Kaur and another

... Petitioner(s)

Versus

Assistant Collector Grade-I (Tehsildar) Dhuri and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. H.S.Saggu, Advocate,
for the petitioners.

Mr. B.M.Vinayak, DAG, Punjab.

Mr. D.S.Malwai, Advocate for
respondent Nos.2 and 3.

Paramjeet Singh Dhaliwal, 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 quashing the order dated 17.10.2014 (Annexure P-4) and instrument of partition dated 01.12.2014 (Annexure P-5) passed by respondent No.1- Assistant Collector-Ist Grade, Dhuri.

After arguing for some time, learned counsel for the petitioners submits that there was no service upon the petitioners in

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partition proceedings and the same were carried out *ex parte*. In such circumstances, learned counsel submits that the petitioners may be permitted to move application for setting aside the *ex parte* proceedings and consequential orders.

Taking into consideration the fact that this Court cannot adjudicate whether notice was rightly served or not upon the petitioners, it being a question of fact. The same can only be determined by the concerned Assistant Collector-Ist Grade, if the petitioners move appropriate application for setting aside the *ex parte* proceedings.

In view of above, the petition is disposed of with an observation that if such an application is moved by the petitioners within 30 days from today, the same shall be considered by the Assistant Collector-Ist Grade, Dhuri, in accordance with law after affording opportunity to the affected parties. The petitioners will be at liberty to lead evidence to show that service upon them was not in accordance with law.

Disposed of in the aforementioned terms.

19.05.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge