

CWP-14420-2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14420-2015
Date of Decision: 06.04.2016

Balvir Singh

... Petitioner(s)

Versus

Assistant Collector Grade-I (Tehsildar) Sherpur and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL

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

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

Mr. Abhinav Gupta, Advocate,
for respondent No.2.

Mr. G.S.Dhaliwal, Advocate,
for respondent No.3.

Mr. Harsh Goyal, Advocate for
Mr. Abhey Kumar Jindal, Advocate,
for respondent No.10.

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 16.10.2014 (Annexure P-2) and instrument of
partition (Annexure P-3) passed by respondent No.1-Assistant Collector-

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Ist Grade, Sherpur.

After arguing for some time, learned counsel for the petitioner submits that there was no service upon the petitioner in partition proceedings and the same were carried out *ex parte*. In such circumstances, learned counsel submits that the petitioner 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 petitioner, it being a question of fact. The same can only be determined by the concerned Assistant Collector-Ist Grade, if the petitioner moves 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 petitioner within 30 days from today, the same shall be considered by the Assistant Collector-Ist Grade, Sherpur, in accordance with law after affording opportunity to the affected parties. The petitioner will be at liberty to lead evidence to show that service upon him was not in accordance with law.

Disposed of in the aforementioned terms.

06.04.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge