

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Amit Kumar  
2016.10.27 10:23  
I attest to the accuracy and  
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**Civil Writ Petition No. 14652 of 2016**  
**Date of Decision: 25.10.2016**

Sawinder Singh and another

.....Petitioners

Vs.

Assistant Collector 1<sup>st</sup> Grade (Naib Tehsildar), Jhabhal Kalan, District Tarn  
Taran and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present : Mr. R.S. Sidhu, Advocate  
for the petitioners.

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**RAMESHWAR SINGH MALIK J. (ORAL)**

Feeling aggrieved against the impugned order dated 17.12.2013 (Annexure P-2) passed by the Assistant Collector 1<sup>st</sup> Grade, thereby finalising partition proceedings, petitioners have approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record that when the matter came up for hearing before the Assistant Collector 1<sup>st</sup> Grade, on 17.12.2013, both the parties, including the petitioners, came present. Both the parties got their statements recorded, giving no objection to Naksha Arra and accordingly, it was approved. Consequently, Kanungo was directed to present Naksha Erri on 8.1.2014. In compliance of the order dated 17.12.2013 (Annexure P-2), Kanungo presented the Naksha Erri.

Although learned counsel for the petitioners has stated that Naksha Erri is still pending consideration before Assistant Collector 1<sup>st</sup> Grade, however, no material has been placed on record of the present case to substantiate this plea raised on behalf of the petitioners.

In the present case, partition proceedings are pending for the last more than 15 years and it seems that petitioners are only interested in delaying the matter. Once the petitioners have given their consent which is specifically recorded in the impugned order (Annexure P-2) and said consent was never sought to be withdrawn by the petitioners even at a later point of time, they cannot be permitted to turn around and change their stand now. It is neither pleaded nor argued case on behalf of the petitioners that they have not been allotted their due share. Further, no prejudice of any kind, whatsoever, has been shown, which might have been caused to the petitioners, by passing the impugned order, which may warrant interference at the hands of this Court under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

25.10.2016  
Ak Sharma

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

*Whether speaking/reasoned Yes/No*  
*Whether reportable: Yes/No*