

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

**Civil Writ Petition No.1751 of 2016**

**Date of Decision: November 29, 2016**

Paramjit Kaur & Ors

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

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

Present: Mr.Ram Kumar Chauhan, Advocate,  
for the petitioners.

Mr.Rupam Aggarwal, DAG, Punjab.

Mr.Arun K.Bakshi, Advocate,  
for respondent Nos.3 to 5.

**RAMESHWAR SINGH MALIK, J.**(Oral)

Feeling aggrieved against the impugned order dated 02.12.2015 (Annexure P-6), petitioners have approached this Court, by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order, whereby Assistant Collector Ist Grade, Hoshiarpur, accepted the family settlement dated 31.05.1987, without it having been incorporated in the relevant revenue record.

Notice of motion was issued and in compliance thereof, replies have been filed on behalf of the respondents.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the alleged family settlement dated 31.05.1987 was not incorporated in the relevant revenue record. In the absence of any such family settlement having been entered in the relevant revenue record, the land would remain in the joint khewat. It is also the settled proposition of law that till the joint land is partitioned amongst the co-sharers, in accordance with law, every co-sharers shall be deemed to be in possession of every parcel of the joint land. Reference in this regard can be made to two Full Bench judgments of this Court in **Bhartu vs. Ram Sarup 1981 PLJ 204** and **Ram Chander vs. Bhim Singh & Ors., 2008(3) RCR (Civil) 685.**

In view of the above said undisputed fact situation obtaining on the record of the present case, impugned order dated 02.12.2015 (Annexure P-6) cannot be sustained and the same is accordingly set aside.

Consequently, the matter is remitted to Assistant Collector Ist Grade, Hoshiarpur-respondent No.2 to proceed further with the partition proceedings, between the parties, by ignoring the above-said family settlement dated 31.05.1987. Let the partition proceedings be finalized at

an early date, however, strictly in accordance with law.

With the abovesaid observations made and directions issued,  
present petition stands disposed of, however, with no order as to costs.

**November 29, 2016**

*seema*

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

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*