

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.18351 of 2016

Date of decision:5.9.2016

Hem Raj and others

...Petitioners

Versus

Financial Commissioner (Appeals) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.BPS Virk, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition is directed against the order dated 6.8.2015 (Annexure P-1) passed by the Financial Commissioner, Appeals-I, Punjab, whereby the matter was remanded to Assistant Collector 1st Grade, Balachaur, with a direction to decide the partition proceedings afresh, keeping the joint property falling within Gair Mumkin Abadi, out of partition.

Learned counsel for the petitioners, at the very outset, submits that he does not intend to press this writ petition on merits, because no patent illegality is attached with the impugned order (Annexure P-1). However, he prays that Assistant Collector 1st Grade, Balachaur-respondent No.4 may be directed to ensure completion of partition proceedings at an early date, because proceedings are pending for the last more than 12 years.

In view of the above-said statement made by the learned counsel for the petitioners, impugned order dated 6.8.2015 (Annexure P-1) is upheld. However, the prayer made by the learned counsel for the petitioners, directing Assistant Collector 1st Grade for early decision of partition proceedings has since been found well justified, respondent No.4 is directed to proceed further with the matter, expedite the proceedings and take the same to its logical end at an early date. It is so said because the partition proceedings are hanging fire for the last 12 years.

Let the partition proceedings be completed within a period of six months from the date of receipt of a certified copy of this order.

With the above-said observations made and directions issued, the instant writ petition stands disposed of, however, with no order as to costs.

5.9.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No