

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 8865 of 2016
Date of Decision: May 09, 2016

Mahi Ram

... Petitioner

Versus

Financial Commissioner (Appeals-1), Punjab and others

... Respondents

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

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

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 mandamus directing respondent no.1 to pass an appropriate order on the application for staying the operation and implementation of order dated 19.01.2016 (Annexure P/3) passed by respondent No.2 – Assistant Collector Ist Grade, Abohar.

I have heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner contends that in the application for partition, which was filed on the basis of jamabandi for the year 1997-98 with regard to different villages, the land was partitioned and sanad takseem was issued vide order dated 26.12.2006 (Annexure P/1), but the said order was not implemented. Learned counsel further contends that again on the basis of the same very application, fresh sanad takseem i.e. instrument of partition has been issued vide order dated 19.01.2016

(Annexure P/3) by the Assistant Collector Ist Grade, Abohar. Learned counsel further contends that petitioner has filed a revision petition before the Financial Commissioner along with the application of stay, but the same has not been taken up and the case has been adjourned to 19.05.2016. Learned counsel further contends that instrument of partition which was issued on 26.12.2006 (Annexure P/1) could have been implemented within three years as per Section 122 of the Punjab Land Revenue Act. Thereafter the remedy for taking possession is by way of civil suit.

Having heard learned counsel for the petitioner and after perusing the paper-book, instant petition is disposed of, without issuing notice to the respondents, with a direction to respondent no.1 i.e. Financial Commissioner to take up revision petition and take some decision on the application for stay accompanying revision petition filed by the petitioner on the date fixed i.e. 19.05.2016 or within a week thereafter, in accordance with law. The operation of sanad takseem dated 19.01.2016 (Annexure P/3) shall remain stayed till the revision petition along with application for stay is taken up by the Financial Commissioner.

May 09, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge