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

CWP-1637-2001

Date of decision : 21.03.2017

Ram Pal and others

... Petitioner(s)

Versus

Financial Commissioner, Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sudhir Mittal, Advocate
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioner(s) in the present writ petition is that an application dated 13.04.1989 was filed on behalf of the petitioner(s) before the Assistant Collector Grade-II, Rewari, under Section 111 of the Punjab Land Revenue Act, for partition in respect of the land measuring 316 kanals 16 marlas situated in Village Kasoli, Tehsil and District Rewari on the ground that they had purchased 1/4th share out of that land from Chander son of Chhaju vide registered sale deed dated 27.02.1989. Vide order dated 23.05.1990, the Assistant Collector, 2nd Grade, confirmed the mode of partition. However, aggrieved of the order, the respondent(s) assailed the matter which was dismissed by every authority on account of non-prosecution. The Assistant Collector, Grade-I, thereafter, vide order dated 23.05.1997, ordered for preparation of the *Naksha Zeem*. Respondents after expiry of six months, filed an appeal against the order dated 23.05.1997, which was dismissed by the Collector, but the Commissioner vide order

dated 27.04.2000 (Annexure P-4), remanding back the matter to decide the controversy afresh, after allowing them to present objections. The revision preferred before the Financial Commissioner, has been dismissed.

This Court while issuing notice of motion had ordered for continuation of the proceedings, but stayed the passing of the final order.

Keeping in view the aforementioned facts, I am of the view that no purpose would be served in keeping the matter pending since 2001.

Let the proceedings continue with regard to the partition proceedings as the liberty has been granted to the respondent(s) to file the objections.

The petitioner(s) shall also present their case and thereafter, the Assistant Collector, 1st Grade, Rewari, shall pass an order viz-a-viz the preparation of the *Naksha Zeem*, as to whether *Naksha Zeem* has been prepared according to the mode of partition or otherwise, in essence, the possession or potentiality in inferior and superior quality, shall be kept intact.

Learned counsel for the parties and as well as the parties are directed to appear before the Assistant Collector, 1st Grade, Rewari.

With the aforesaid observations, the present writ petition stands disposed of.

21.03.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**