

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

CWP No.13546 of 2016
Date of decision : 20.03.2017

Manjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Mohinder Kumar, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

Mr. K.S. Dadwal, Advocate for respondent Nos.3 and 4.

Mr. R.S. Bains, Advocate for respondent No.15.

AMIT RAWAL, J. (Oral)

CM No.11672-CWP of 2016

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed.

Written statement along with Annexures R-3/1 to R-3/3 are taken on record, subject to all just exceptions.

CM No.4104-CWP of 2017

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed.

Written statement of respondent No.15 alongwith Annexure R-15/1 to R-15/3 are taken on record, subject to all just exceptions.

Main case

The petitioner is aggrieved of the impugned orders dated 09.06.2016 (Annexure P-8 and P-9), whereby objection petition qua mode of partition has been dismissed in most erroneous manner. The order Annexure P-8 reads thus:-

“09.06.2016

File presented. Counsel for the parties are present. The counsel for the respondents have submitted the objections. Objections has been dismissed and the proposed mode of partition has been accepted, the same be sent to Area Girdawar to prepare partition documents. The file be produced on 21.06.2016.

*Sd/- Assistant Collector 1st Grade
Tanda.”*

and in this regard, this Court while issuing notice of motion had also passed the following order:-

“Learned counsel for the petitioner, inter alia, contends that there was no reason to exclude land measuring 5 kanal 6 marla from partition. When objections were raised to this erroneous mode of partition ordering partial partition, same were rejected by passing a non speaking order Annexure P-8.

Notice of motion for 21.9.2016.

Notice re: stay, as well.”

The factum of the aforementioned order is not denied.

I am of the view that the matter requires reconsideration. Resultantly, impugned orders dated 09.06.2016 (Annexure P-8 and P-9) are set aside.

Matter is remitted back to the Assistant Collector to decide the

objection petition qua mode of partition by passing a speaking order as expeditiously as possible.

Parties through their counsel are directed to appear before Assistant Collector on 17.04.2017.

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

20.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No