

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

CWP No.15835 of 2014 (O&M)
Date of Decision: 04.08.2017

Jagdish

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sanjiv Gupta, Advocate, with
Mr.Kamal Chaudhary, Advocate,
for the petitioners.

Mr.Saurav Mohunta, DAG, Haryana.

Mr.Ashish Chopra, Advocate,
for respondent No.4.

Mr.Shekhar Verma, Advocate,
for respondents No.5 and 6.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed in order to challenge the order passed by the Assistant Collector 1st Grade, Gurgaon on 15.11.2010 and the order passed by the Financial Commissioner dated 7.5.2014 passed in the partition proceedings initiated at the instance of respondent No.4.

The grievance of the petitioner, *inter alia*, is that the Assistant Collector 1st Grade, Gurgaon has passed the order against him without service.

After a detailed argument, both the counsel for the respondents have fairly conceded that the impugned orders be set aside and the matter be remanded back to the Assistant Collector 1st Grade, Gurgaon to start the proceedings *de novo* from the stage when respondent No.4 had filed the application for seeking partition.

All that has been requested by the respondents is that the proceedings before the Assistant Collector 1st Grade, Gurgaon may be made time bound as already about seven years have passed.

Learned counsel for the petitioner has raised no objection in this regard.

Consequently, the present petition is allowed, impugned orders are hereby set aside and the matter is remanded back to the Assistant Collector 1st Grade, Gurgaon to start the proceedings *de novo* from the stage when respondent No.4 had filed the application for seeking partition. Needless to mention that this time the Assistant Collector 1st Grade, Gurgaon would proceed in accordance with law and give opportunity to the petitioner to file reply and decide the matter between the parties as early as possible, preferably within a period of six months from the date of their appearance before him. Parties are directed to appear before the Assistant Collector 1st Grade, Gurgaon on 28.8.2017.

04.08.2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*