

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

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**CWP No. 16045 of 2017  
Date of Decision: 25.07.2017**

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Gurbakshish Singh

....Petitioner

**Vs.**

State of Haryana and others

....Respondents

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

Present: Mr.Rajnish K. Gupta, Advocate,  
for the petitioner.

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***RAKESH KUMAR JAIN, J. (ORAL)***

Petitioner is a co-sharer in khewat which was sought to be separated at the instance of his brother/respondent No.5-Gursharan Singh by filing an application under Section 111 of the Punjab Land Revenue Act, 1887 [for short 'the Act']. It is submitted that initially there was a report of the field kanungo that the land cannot be partitioned because some of the land comes under river Ghaghar and is Giar mumkin. On the basis of that the AC Ist Grade dismissed the application of respondent No.5. The appeal filed by respondent No.5 was however, allowed and thereafter mode of partition was suggested and since there was no objection, therefore, it was accepted. *Naksha Bay* was called. There was no objection to it. However, it is contended that the AC Ist Grade *suo moto* asked for amended *Naksha Bay*, which was amended on 25.10.2016. The petitioner objected to the amended *Naksha Bay*. His objections were dismissed on 4.11.2016. The appeal filed before the Collector was also dismissed on 18.5.2017. The petitioner then went before the Divisional Commissioner in revision. It is contended that while the revision petition

was pending, the AC Ist Grade passed the order on 3.7.2017 for calling *Naksha Zeem* and preparation of Sanad Takseem. The petitioner has thus approached this Court in order to assail the order of AC Ist Grade dated 3.7.2017.

I have heard learned counsel for the petitioner, who has been very fair to admit that the revision petition against the dismissal of his objections filed to the amended *Naksha Bey* on the basis of which the alleged sanad takseem is going to be prepared is still pending before the Divisional Commissioner along with his application for stay and since the matter is still pending before the revenue authority under the Act, the order dated 3.7.2017 having been passed by AC Ist Grade can always be brought to the notice of the Divisional Commissioner instead of filing the present writ petition.

Thus, in the aforesaid facts and circumstances, I do not find any reason to interfere in the impugned order especially when the petitioner has the remedy of filing an appropriate application before the Divisional Commissioner before whom the revision petition is still pending. It is directed that in case any application is filed by the petitioner, much less for staying the proceedings of the order dated 3.7.2017, the said application shall be decided immediately by the Divisional Commissioner, by passing a reasoned order.

With these observations, the present petition is hereby disposed of.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**25.07.2017**  
*Vivek*

*Whether speaking/reasoned* Yes/No

*Whether reportable* Yes/No