

CWP No.25798 of 2016
CWP No.26040 of 2016
CWP No.26042 of 2016
CWP No.1093 of 2017
CWP No.1097 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP No.25798 of 2016 (O&M)
Date of Decision:20.07.2017

Ajit Singh
....Petitioner

Vs.

State of Punjab and others
..Respondents

2. CWP No.26040 of 2016 (O&M)

Ajit Singh
....Petitioner

Vs.

State of Punjab and others
..Respondents

3. CWP No.26042 of 2016

Ajit Singh
....Petitioner

Vs.

State of Punjab and others
..Respondents

4. CWP No.1093 of 2017 (O&M)

Ajit Singh
....Petitioner

Vs.

State of Punjab and others
..Respondents

5. CWP No.1097 of 2017 (O&M)

Ajit Singh
....Petitioner

Vs.

State of Punjab and others
..Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Inderjit Sharma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

This order shall dispose of five petitions bearing CWP Nos.25798, 26040 & 26042 of 2016 and CWP Nos.1093 and 1097 of 2017. However, the facts are being extracted from CWP No.25798 of 2016.

The petitioner has challenged the order dated 7.10.2014 passed by the Assistant Collector 1st Grade, Gurdaspur, order dated 18.08.2015 passed by the Divisional Magistrate-cum-Collector, Gurdaspur and Order dated 26.10.2015 passed by the Commissioner, Jalandhar Division, Jalandhar.

In brief, the private respondents filed an application under Section 111 of the Punjab Land Revenue Act, 1887 for separation of their khewat by way of partition of the land in question situated in revenue estate of village Alle Chak, Hadbast No.242 Tehsil and District Gurdaspur. The petitioner filed reply to the application asserted that the partition be done keeping in view the nature and quality of the land. The Assistant Collector 2nd Grade, Gurdaspur accepted the mode of partition on 12.9.2014 in which it was provided that the proposed partition would be effected without interfering of the possession. On 7.10.2014, the mode of partition was accepted and the objection raised by the petitioner was rejected. Aggrieved against the said order dated 7.10.2014, the petitioner filed revision petition in which he alleged that all the parties to the litigation are in possession of

their respective share in joint Khata on the basis of a family partition which took place 30 years back. He got inferior quality of land which was improved after spending large amount of money. The respondents are in possession of the land nearer to the bye-pass which is more valuable, therefore, he is in possession of the land which is of low cost. His case was that the possession of the shareholders be disturbed and valuable land be also given to him. The revision was dismissed by the Collector. Aggrieved against the said order, the petitioner filed revision petition before the Commissioner in which the same issue was raised about family partition of 30 years ago, he got more land than others but of inferior quality of land and he had prayed that the partition should be effected quality wise by giving inferior and superior quality of land proportionately. The revision petition was dismissed by the Commissioner not only on the ground that the Collector has passed the detailed order but also the revision petition was not maintainable as only a writ petition could have been filed.

Aggrieved against the orders of the revenue authorities, the present petitions have been filed in which the petitioner has again raised the similar issues which he had unsuccessfully raised before the revenue authorities. However, he has failed to bring on record any evidence to the effect that there was a family partition 30 years ago and he was given more land than others but of inferior quality of land and now he wanted that the partition should take effect by distributing inferior and superior quality of land proportionately and not as per the mode of partition, which has been suggested to the effect that the possession would not be disturbed.

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In the absence of any evidence in this regard, there is hardly any scope with this Court to interfere in these petitions and hence, the same are hereby dismissed though without any order as to costs.

A Photocopy of this order be placed on the file of other connected cases.

(RAKESH KUMAR JAIN)
JUDGE

20.07.2017
Vivek

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*