

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-23077 of 2017
Decided on 26.10.2017**

Amit Sareen and others

--Petitioners

Vs.

Financial Commissioner, Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.K.P.Singh, Advocate, for the petitioners

Rakesh Kumar Jain,J: (Oral)

The petitioners are aggrieved against the orders passed by the revenue authorities on an application filed under Section 16 of the Punjab Land Revenue Act, 1887 (for short, 'the Act') for seeking partition of joint khewat.

Grievance of the petitioners is that they are tenants (gair maurisi) on the land in question measuring 31 kanals 16 marlas. They were afraid that they may not be dispossessed forcibly by respondent No.5, therefore, they filed a suit for permanent injunction. The said suit was decreed vide order dated 06.3.2014 by the Civil Judge (Junior Division), Shaheed Bhagat Singh Nagar. It is submitted that the case is at the stage of mode of partition and the petitioners have approached this Court that under the garb of partition proceedings, they may not be dispossessed from the land in question.

I have heard learned counsel for the petitioners and perused the record.

The petitioners have approached this Court too early because injunction was granted in their favour by the Civil Judge on 06.3.2014 that they would not be forcibly dispossessed from the land in question except in due course of law. The partition proceedings are at the stage of mode of partition and 'sanand taksim' has not yet been prepared, therefore, the apprehension of the petitioners that they may not be dispossessed under the garb of partition proceedings is only illusory at this stage.

Hence, the present petition is found to be without any merit at this stage.

Dismissed.

26.10.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: **Yes/No.**

Whether Reportable: **Yes/No**