

CWP No.24876 of 2017

[1]

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

**CWP No.24876 of 2017
Date of decision:02.11.2017**

Manjit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Deepak Verma, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the order dated 29.09.2017 passed by the Assistant Collector 1st Grade, Garhshankar, by which the mode of partition has been amended.

In brief, in the partition proceedings, the mode of partition was proposed by the Assistant Collector 1st Grade on 30.05.2011, to which objections were filed by respondent no.3 on 03.06.2011, which was contested by the petitioners by way of reply dated 13.06.2011 and the Assistant Collector 1st Grade, vide his order dated 13.06.2012, amended Clause 7 of the mode of partition. The said order was challenged by the petitioners by way of CWP No.26705 of 2013, which was ultimately disposed of vide order dated 24.03.2017, remanding the matter back to the Assistant Collector 1st Grade to decide the objections raised to the mode of partition afresh after affording an opportunity of hearing to the petitioners and referring to the material put-forth before it. Thereafter, the petitioners filed objections to the mode of partition on 29.09.2017 and the Assistant Collector 1st Grade passed the impugned order on

the same day i.e. 29.09.2017. The said order has been passed by the Assistant Collector 1st Grade after the spot inspection on 11.09.2017, holding that Clause 7 of the mode of partition is amended and the passages were kept joint so that all the parties may use the same. It was also observed that at the time of spot inspection, it was not found that there was any restriction to use the passages which were made with the concrete out of panchayat funds and not by the private respondents or the petitioners.

Learned counsel for the petitioners has submitted that there is an error in approach of the Assistant Collector 1st Grade and submitted that even the suit filed by Mohinder Singh claiming access to the passages was dismissed.

I have heard learned counsel for the petitioners and examined the available record, from which it has been found that there is no merit in the present petition because after the remand of the case, the Assistant Collector himself visited the spot on 11.09.2017 and found that the passages in question have been constructed with the concrete out of panchayat funds, therefore, the same have rightly been kept as joint.

In view thereof, I do not find any merit in the present petition for the purpose of interference and hence, the same is hereby dismissed, though without any order as to costs.

November 02, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No