

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

CWP No.7546 of 2013
Date of decision : 23.02.2017

Malkiat Singh and others

...Petitioners

Versus

Financial Commissioner (Revenue) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Manpreet Singh, Advocate for the petitioners.

Ms. Lavanya Paul, Assistant A.G. Punjab.

Mr. Jasjit Singh, Advocate for respondent Nos.4, 5 and 7.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the impugned orders, whereby partition proceedings have resulted into serious prejudice on the premise that order of the Assistant Collector, Ropar was passed on 19.10.2008 which was Sunday and *sanad takseem* has been passed on 12.06.2009 which was assailed before the authorities but did not yield any result.

Mr. Manpreet Singh, learned counsel appearing on behalf of the petitioners submits that as per the mode of partition reflected in the site plan (Annexure P-9), area shown in purple colour is of petitioners whereas red colour is of respondents. There is no equal distribution of the land. Partition has not been done proportionately. Moreover, it is in the middle of the land belonging to the petitioners thus it would create unnecessarily

problem with regard to ingress and outgress.

Learned counsel for the respondent submits that orders under challenge are perfectly legal and justified. Order (Annexure P-3) was not passed on 19.10.2008 but on 10.10.2008 therefore, it was not Sunday and handed over the photocopy of the certified copy of the order.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submissions of learned counsel for the respondents, for, second page of the order handed over by the learned counsel for the respondent bears the date i.e. 19.10.2008.

Without commenting further on the date, the fact remains that site plan (Annexure P-9) has not been disputed/rebutted in the written statement as corresponding para reveals it to be a matter of record.

On going through the aforementioned site plan, in my view the partition should have been on corner, either on the north side or south side but not in the middle of the land so that both the parties are not at inconvenience and utilise fruits of the land.

After noticing of the contention of the learned counsel for the petitioners raised in the present writ petition, much less, observations made hereinabove, order of Assistant Collector (Annexure P-3) is hereby set aside.

Matter is remitted back to the Assistant Collector who would look into the matter and correct the order under challenge and decide the controversy within a period of 4 months from the date of receipt of certified copy of the order.

Parties through their counsel are directed to appear before
Assistant Collector, Ist Grade, Ropar on 20.03.2017.

With the aforementioned observations, present writ petition
stands disposed of.

23.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No