

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 26.04.2017

1. CWP No. 706 of 2015

Surinder Singh and another

..... Petitioners

versus

The State of Punjab and others

..... Respondents

2. CWP No. 708 of 2015

Surinder Singh and another

..... Petitioners

versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mrs. Rachel Kuldip Studley, Advocate for the petitioners.

Mr. Yatinder Sharma, Addl. AG, Punjab.

Mr. Kumar Vishav Aggarwal, Advocate, Local Commissioner.

Mr. Sherry K. Singla, Advocate
for respondent No.4.

AMIT RAWAL, J. (Oral)

This order shall dispose of the above said two writ petitions as having been arisen from the order passed by the Financial Commissioner in respect of village Bisla and village Lalpur, Tehsil Banga, District SBS Nagar.

Mrs. Rachel Kuldip Studley, learned counsel appearing for the petitioners submits that the order of the Financial Commissioner setting

aside the order of the lower Courts is totally evasive and fallacious as there is unequal distribution of land. In essence the respondents have been given excess land in village Lalpur i.e. 19 kanals 9 marlas whereas the petitioners have been given 9 kanals 10 marlas however, in village Bisla the petitioners have been given 27 kanals 30 marlas whereas respondents 17 kanals 7 marlas.

Mr. Sherry K.Singla, learned counsel appearing for respondent No.4 has disputed that as per the site plan Annexure P-6 at page 98 of the paper book of CWP No. 706 of 2015 though the parties have given a portion in a partition facing the GT road but the large tract of the land is having a deep pit which falls into his share. In order to ascertain the actual position, this Court vide order dated 14.3.2007, had appointed a local commissioner and as per the report it is confirmed that the land which is in possession of the respondents is having a deep pit.

After addressing the arguments at some length, both the counsel representing the parties, on instructions from their clients, have arrived at a consensus that let there be equal distribution including the quality and potentiality of the land instead of giving less or excess area to any of the party with regard to village Lalpur and Bisla.

Resultantly the order of the Financial Commissioner setting aside the Sanad Taqseem is upheld. The matter is referred to the Assistant Collector 1st Grade to prepare a memo of partition in respect of the exact share holding of both the parties in equal distribution and thereafter prepare a Naksha Bey strictly as per the mode of partition to rule out any possibility of filing any objections. In case both the parties are agreeable to the

aforementioned Naksha Bey, as a natural consequence the Naksha Zeem be prepared and thereafter final partition. Both the parties have also given an undertaking before this Court that they will not assail the order of any of the proceedings in order to put the things at rest which have already been in litigation since long.

Resultantly, the writ petition is disposed of with the aforementioned direction. Let this exercise be done within a period of two months by the Assistant Collector 1st Grade, Tehsil Banga. Parties through their counsel are directed to be present before him on 08.05.2017.

(AMIT RAWAL)
JUDGE

April 26, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No