

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.3529 of 2017
Date of decision:04.05.2017

Chuhar Singh and another ... Petitioners

Vs.

Financial Commissioner and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Athwal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioners have approached this Court seeking following relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India praying for the issuance of an appropriate writ, especially in the nature of certiorari for quashing of impugned order dated 29.09.2016 (Annexure P-3) passed by respondent no.1, order dated 17.11.2014 (Annexure P-2) passed by respondent no.2, order dated 21.06.2010 (Annexure P-1) passed by respondent No.3 being arbitrary and illegal.

AND

Further for issuance of a writ in the nature of mandamus directing the respondent no.3 for fresh partition of land in accordance with the mode of partition and keeping the possession of the parties intact and satisfying the share of the

petitioners as per factual position on the spot.

And to issue any other appropriate writ, order or direction, which this Hon'ble Court may deem fit keeping in view the facts and circumstances of the case.”

The apprehension of the petitioners is that land allotted to them falls on the road, therefore, their share should be completed.

In my view, grievance of the petitioners can be vindicated by moving an application under Section 122 of Punjab Land Revenue Act, 1887. In case, any such application is filed, the revenue officer, i.e., Assistant Collector Ist Grade, shall decide the same keeping in view the pre-partition in the revenue record. Accordingly, the parties shall put into their respective/eligible share. Let this exercise be done in accordance with law within a period of three months from the date of receipt of a certified copy of this order.

Accordingly, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 04, 2017

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No