

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

CWP No.4743 of 2017

Date of decision:08.03.2017

Amarjeet Singh

... Petitioner

Vs.

Assistant Collector First Grade,
NaKodar, District Jalandhar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Zorawar Singh Chauhan, Advocate
for the petitioner.

AMIT RAWAL J.

The petitioner has knocked the door of this Court under Articles 226/227 of the Constitution of India seeking setting aside of order dated 20.05.2016 (Annexure P-6) of Tehsildar-cum-Assistant Collector First Grade, Nakodar, whereby, the procedure for mode of partition in application bearing No.96 to 102/T/2013 titled as “Tarsem Singh and another vs. Amarjeet Singh and others” has been allowed and the objections filed thereto have been dismissed.

Mr. Zorawar Singh Chauhan, learned counsel appearing on behalf of the petitioner submits that petitioner and respondents No.2 and 3 being real brothers had been living abroad. Till filing of the aforesaid application, they were cultivating their respective shares as per mutual settlement. On 01.08.2013, an application on behalf of respondents No.2 and 3 under Section 111 of Punjab Land Revenue Act for partition of land comprised in khewat/hadbast bearing no.43 measuring 217 kanals 15 marlas was moved. The statements of the parties were recorded with regard to the

mode of partition. Thereafter, the objection petition was filed and the objections have erroneously been dismissed, vide order dated 20.05.2016 which is arbitrary and illegal and the objections were raised for the purpose of keeping the possession of the parties intact and thus, the order under challenge is liable to be set aside.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the mode of partition was passed on 14.03.2016 and thereafter, the parties were called to record their statements and they were heard and mode of partition was proposed and sanctioned on 20.05.2016 which fact is evident from the order dated 20.05.2016 and the same reads as under:-

“Parties called. Counsel for the parties appeared. They were heard. After hearing them, mode of partition was proposed and sanctioned. Objections of the 2nd party are set aside. Sanctioned copy of mode of partition sent and Naksha (A) was got prepared through field staff. Missal/file be adduce on 30.05.2016.

Sd/-

A.C.- I Grade

Nakodar

20.05.2016.”

In my view, once the party has suffered a statement regarding mode of partition, the same could not have been agitated and no harm would be caused to the petitioner as the mode of partition has been sanctioned without there being any objection, therefore, the party cannot be permitted

to take objection at the drop of the hat, he could have raised the plea with regard to preparation of naksha bey, if at all, it is not in accordance with mode of partition.

No ground is made out for interference in the impugned order.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 08, 2017

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No