

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 8935 of 2017

Date of decision : July 10, 2017

Som Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. H. S. Deol, Advocate and
Mr. Kuldeep Saini, Advocate
for the petitioner.

Mr. Zorawar Singh Chauha, Advocate
for respondent No.4.

RAKESH KUMAR JAIN, J (oral).

This petition is filed, seeking a writ in the nature of certiorari for quashing the order dated 16.2.2017 (Annexure P-3) which was admittedly passed against the petitioner behind his back. Learned counsel for the petitioner has submitted that in this case an application under Section 111 of the Punjab Land Revenue Act, 1887 was filed by respondent No.4 for seeking separation of joint khewat. He impleaded those persons as a party in the application who were intentionally not served and ex-parte proceedings were carried out. No doubt sanad-taksim has been prepared but the property in question has been divided by way of partition at the whims and fancies of respondent No.4.

Learned counsel for the parties are ad idem that the impugned order may be set aside and the matter be sent back to the A.C. Ist Grade Noormahal, Tehsil Phillour, District Jalandhar to entertain and decide

the co-sharers and then proceed in accordance with law.

Learned counsel for respondent No.4 who is going to be affected by this order has fairly requested that the revenue officer may be directed to decide the proceedings as early as possible.

After taking into consideration the facts and circumstances of the case, the present writ petition is allowed. The impugned order is set aside and the matter is remanded back to the A.C Ist Grade, Noormahal, Tehsil Phillour, District Jalandhar to proceed with the matter afresh with a direction that he would try to complete the proceedings within a period of six months by giving short dates. Both the parties shall also co-operate with the revenue officer for an early decision.

Parties are directed to appear before the Revenue officer on 1.8.2017.

(RAKESH KUMAR JAIN)
JUDGE

July 10, 2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No