

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

CWP No.9705 of 2017

Date of Decision.08.05.2017

Amarjit Singh

.....Petitioner

Vs

Commissioner, Ferozepur Division, Ferozepur and others

.....Respondents

2. CWP No.9707 of 2017

Amarjit Singh

.....Petitioner

Vs

Commissioner, Ferozepur Division, Ferozepur and others

.....Respondents

Present: Mr. Talwinder Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Learned counsel for the petitioner submits that application seeking partition of the land in dispute was moved in 2007 by respondent No.4. Partition proceedings were initiated as per law and naksha 'Arra' and 'Irii' were accepted on 29.10.2013. Even final order of partition was passed. Respondent No.7-Manjit Singh filed an appeal before the learned Collector, who after hearing the parties, remanded the case to the Assistant Collector Grade – I. On 30.09.2015, the matter was again heard by A.C. 1st Grade Moga and prepared the naksha 'Irri'. The parties to the litigation gave their consent to the same, which was accepted and the partition proceedings were completed by the A.C. Ist Grade, Moga vide order dated 30.09.2015. Sanad

Moga.

The petitioner approached the area Kanungoo to implement the aforementioned order. However, respondent No.4 filed an appeal before the Court of Collector against the order of final partition, who vide order dated 25.10.2016 dismissed the appeal on the ground that the same is not maintainable. However, revision petition No.106 of 26.12.2016 preferred by respondent No.4 is stated to be pending and there is no interim order. The Revenue authorities are not implementing Sanad Takseem and warrants of possession and, therefore, the petitioner is left in lurch owing to the pendency of the revision petition, which is not maintainable, in view of the judgment rendered by this Court in **Amar Khan and others Vs. State of Punjab and others 2009(1) RCR (Civil) 741.**

Notice of motion.

Mr. Yatinder Sharma, Addl. AG, Punjab accepts notice for respondent Nos.1 and 2.

Shown of the facts, I am of the view that it will not be appropriate to delve upon the maintainability of the revision petitions bearing No.106/2016 dated 26.12.2016 and 01/2017 dated 20.01.2017 preferred against the orders dated 30.09.2015 and 25.10.2016 stated to be pending, which according to the counsel for the petitioner are not maintainable, as it will take away valuable right of the other side and dispose of the writ petitions with a direction to the Commissioner, Ferozepur Division to decide the aforementioned revision petitions, in accordance with law, after hearing the parties, preferably within a period of three months from the date of receipt of certified copy of this order. The party shall be at liberty to address arguments on merits and de-merits of the

cases in accordance with law.

(AMIT RAWAL)
JUDGE

May 08, 2017
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No