

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

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CIVIL WRIT PETITION NO.16513 OF 2018
DATE OF DECISION: JULY 10, 2018

Gurjit Singh and another

.....Petitioners

VERSUS

Financial Commissioner Revenue, Punjab, Chandigarh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Aditya Dassaur, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this writ petition is to the order dated 18.04.2018 (Annexure P-7) passed by the Financial Commissioner Revenue, Punjab and the order dated 30.04.2015 passed by the Assistant Collector 1st Grade, SBS Nagar-respondent No.2 (Annexure P-1), whereby the partition proceedings have been finalized exparte against the petitioners.

It is the contention of learned counsel for the petitioners that the proceedings, which were initiated for partition have been finalized at the back of the petitioners. The proclamation as well as the notice issued in the newspaper are not in accordance with law. That apart, he contends that as a matter of fact there was no proclamation in the village and, therefore, the petitioners were not aware of the fact that partition proceedings were going on. He, however, admitted the fact that he had asked one Avtar Singh, who was also a co-sharer, to engage a counsel on his behalf and said Avtar Singh had stated that he would take care of the partition proceedings with regard to the petitioners as well. Counsel, thus, contends that no opportunity was

granted to the petitioners to raise objection to the mode of partition and, therefore, the impugned orders cannot sustain and deserve to be set-aside and an opportunity may be given to the petitioners to file their objections to the mode of partition.

I have considered the submissions made by learned counsel for the petitioners and have gone through the impugned orders.

As is apparent from the orders which have been passed by the authorities, there has been proper proclamation in the village and it has also been published in the newspaper. The factum of the petitioners being aware of the partition proceedings stand acknowledged by them in the pleadings as they had asked one of the co-sharers Avtar Singh to engage a counsel on their behalf. Had the petitioners been not aware of the factum of partition proceedings being pending, there was no question of they having called upon Avtar Singh to engage a counsel for them as well. Therefore, the said plea of the petitioners cannot be accepted. It could not be out of way to mention here that there is an inordinate delay of three and half years to approach the authorities by the petitioners for highlighting their grievance with regard to the exparte proceedings. All these aspects have been duly considered by the Financial Commissioner, Revenue, Punjab, in its order dated 18.04.2018. There being no illegality in the orders passed by the authorities, no interference is called for in exercise of writ jurisdiction.

The writ petition, therefore, stands dismissed.

July 10, 2018 khurmi	(AUGUSTINE GEORGE MASIH) JUDGE
Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No