

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

CWP No.29088 of 2018

Date of Decision: 17.11.2018

Avtar Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jatinderpal Singh Advocate
for the petitioners.

TEJINDER SINGH DHINDSA J.(ORAL)

Learned counsel would advert to the pleadings on record to submit that partition proceedings in the present case were initiated in the year 1987 and were finalized by virtue of order dated 20.10.2010 (Annexure P-8) passed by Assistant Collector Grade-I, Gidderbaha and the Sanad Takseem was issued on 03.01.2011.

The final Instrument of Partition was put to challenge upto the Financial Commissioner level but the same was upheld vide order dated 17.03.2016 (Annexure P-12). Thereafter, even a writ petition had been preferred i.e. CWP No.11771 of 2016 but the same was dismissed as withdrawn vide order dated 11.07.2016 (Annexure P-13).

Further contended that another revision petition against the order passed by the Assistant Collector Grade-I was filed at the instance of respondents No. 5 to 7 herein and which has been dismissed by the Financial Commissioner, Punjab vide order dated 25.04.2018 in ROR No.519 of 2017 titled **Gurdev Singh Vs. Nihal Kaur & ors.** (Annexure P-17).

Learned counsel apprises the Court that against the order dated

25.04.2018 passed by Financial Commissioner, Punjab, CWP No.15416 of 2018 has been filed and which is now pending for motion hearing in the month of March 2019 and no stay has been granted.

Short grievance raised in the instant petition is that in spite of there being no legal impediment, the warrants of possession are not being executed.

Learned counsel at the very outset makes a statements that he would be satisfied, if the instant writ petition is to be disposed of in terms of granting liberty to the petitioners to file a comprehensive representation as regards the grievance to respondent No.2-District Collector, Sri Muktsar Sahib and for the same to be decided within a short time frame.

The prayer made by the learned counsel is just and reasonable. Accordingly without ascertaining the correctness of the averments made in the petition, the same is disposed of by granting liberty to the petitioners to file a comprehensive representation before respondent No.2/competent authority as regards the grievance within a period of two weeks from today.

In the eventuality of any such representation being preferred by the petitioners, the competent authority would be obligated to consider the same, verify all the facts and to thereafter take necessary steps as deemed fit and warranted in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

November 17, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No