

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

**CWP No.3050 of 2018
Date of Decision:08.08.2018**

Tilak Raj and others ...Petitioners
Versus
Commissioner, Jalandhar Division, Jalandhar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Munish Puri, Advocate
for the petitioners.

G.S. SANDHAWALIA, J. (ORAL)

The petitioners challenged the order dated 05.06.2007 (Annexure P-1) and the subsequent order dated 16.03.2011 (Annexure P-3) passed by the Assistant Collector, 1st Grade, Pathankot wherein the partition sanctioned by the Assistant Collector on 05.06.2007 was held to be correct and as per the site plan the partition had been approved. The said order has been upheld on 27.04.2012 (Annexure P-5) by the Collector thereafter by the Commissioner, Jalandhar Division, Jalandhar on 28.04.2015 (Annexure P-6) on the ground that mode of partition has become final and binding on the parties.

It is pertinent to notice that these orders had been appealed against by Arun Singh-respondent No.4 who had himself initiated the partition proceedings for land measuring 250 kanals 16 marlas situated at village Rajpura, Tehsil Pathankot. The petitioners were arrayed as respondent Nos.39, 41 and 44 and in the initial proceedings on 09.03.2005 proclamation had been get conducted in the village. Only the respondent Nos.27 and 28 Tarlochan Singh etc. had contested the

partition proceedings whereas the other had been proceeded against *ex parte*.

The contest had been between the brothers Arun Singh and Deepak Singh, respondent Nos.4 and 5 throughout was to what type of land was being given to them as it was the case of Arun Singh that he had been given inferior land close to riverine area. The matter had been initially remanded on 15.07.2010 (Annexure P-2) against Arun Singh himself and thereafter the partition proceedings have been finalized. As noticed the Commissioner has dismissed the revision of Arun Singh and recorded that the partition had never been challenged and had become final between the parties.

After arguing for some time, counsel does not press the present writ petition with liberty to seek alternative remedy in accordance with law.

Resultantly, the present writ petition is dismissed as not pressed.

08.08.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No