

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

LPA No.1241 of 2017 (O&M) in
CWP No.12401 of 2017
Date of Decision:- 06.03.2018.

Mohinder Singh

...Appellant

Versus

Assistant Collector 1st Grade (Naib Tehsildar), Moonak and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Aakash Singla, Advocate
for the appellant.

Mr. Vikas Mohan Gupta, Addl. AG, Punjab.

Mr. Manish Kumar Singla, Advocate
for respondent No.2.

Rajesh Bindal, J.

Order passed by the learned Single Judge, disposing of the writ petition in a matter pertaining to partition of land, has been challenged in the present intra-court appeal.

2. The process of partition of the land started on 26.05.2009, when an application was filed by the appellant. The total land owned by four brothers is 27 kanals 8 marlas. Each of the brothers will get 6 kanals 17 marlas of land. Khasra Nos.15 and 16 are adjoining to the road. It was agreed upon that each of the brothers will get 6 kanals 17 marlas of land having equal share on the land abutting the road. As a result, there would be partition dividing the entire land in four portions. Each portion having access on the road. Therefore, we do not find any illegality in the mode of partition.

3. Learned counsel for the appellant sought to argue that there is a tubewell installed in khasra No.15, but nothing has been pointed out in the mode of partition regarding that tubewell. Though learned counsel for respondent No.2 sought to dispute this fact stating that the issue regarding the valuation of the tubewell was finalized amongst the brothers, still the learned Single Judge had taken care of this aspect while discussing the same in penultimate paragraph of the order. The authorities have been directed to take care of this issue. As far as issue regarding development of khasra No.16, which is in possession of the appellant is concerned, it is suffice to note that area in khasra No.16 is merely 4 kanals 12 marla. This is not a portion of land for development of which huge amount could be spent by the appellant, to compensate him. In any case, the appellant has to get his share in that portion of land also. It is further agreed by learned counsel for respondent No.2 that whichever portion suits the appellant in khasra No.16 abutting the road, which is in his possession, he may retain that portion of land to take his share of total land along with 4 kanals of land in khasra No.20.

4. In view of the above, the present appeal is disposed of. The record summoned by this Court which was kept with the Registrar (Judicial) be returned back to the State counsel.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

06.03.2018.

rajesh.k.khurana

Whether speaking /reasoned : Yes / No

Whether Reportable : Yes / No