

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

RSA No.135 of 2016 (O&M)

Date of decision: 17.12.2018

Jagir Singh and others

..... Appellants

Versus

Jeet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Satinder Khanna, Advocate
for the appellants.

Mr. R.S. Chauhan, Advocate
for respondents No.1 to 19.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the regular second appeal against the judgment passed by the learned First Appellate Court directing the revenue authorities to partition the agriculture land after recording a finding that the land which is already under construction of a grain market, school and hospital cannot be partitioned.

The partition of the agriculture land in the States of Punjab and Haryana is governed by the provisions of Punjab Land Revenue Act, 1887. Chapter IX is dedicated to the partition of the agriculture land. Section 158 of the Punjab Land Revenue Act, 1887 excludes the jurisdiction of the Civil Court in the matters which are within the exclusive jurisdiction of the Revenue Officers.

Learned counsel for the respondents tried to save the position by submitting that the Civil Court has only directed the Revenue Officer to

partition the land. This Court has considered the submission, however, finds no substance therein. Once partition of the agriculture land is undisputedly in the exclusive domain of the revenue authorities constituted under the Punjab Land Revenue Act, 1887, the direction of the Civil Court in this regard is not needed.

Keeping in view the aforesaid facts, the judgment passed by the learned First Appellate Court is set aside. However, the parties would be free to initiate proceedings under the Punjab Land Revenue Act, 1887 referred to the above and the revenue authorities would adjudicate upon the same without being influenced by the observations made by the Civil Court.

With these observations, the appeal is disposed of.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Objection of learned counsel for the appellant with reference to Section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 is kept open.

17.12.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No