

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

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Civil Writ Petition No.5761 of 2019
Date of Decision: March 5th, 2019

Dangal Singh Sandhu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. M.S. Khaira, Senior Advocate
with Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned senior counsel for the petitioner states that the petitioner had moved an application for partition of the land in Khasra No.230 measuring 396 kanals and 11 marlas as the petitioner had purchased 8 kanals of land. The said application has not been proceeded with on the pretext that the area is under *gair mumkin abadi* and some area is vacant and parties were advised to get the partition done through Civil Court. He contends that as per the judgment of this Court in *Sucha Singh and others Versus Balbir Singh 1964 PLJ 160*, wherein it has been held that the non-agricultural property has to be proceeded with by the Civil Court, whereas with regard to the agricultural land, the same has to be divided by the Revenue Courts. He, thus, submitted that the action of the respondents is not sustainable.

On a categorical question asked by this Court as to how much land is *gair mumkin abadi* and how much is agricultural land, learned senior counsel for the petitioner is unable to give the details thereof. He, however, prays for withdrawal of the writ petition with liberty to first approach the authorities for getting these details, for which he would move

two weeks.

On doing so, the competent authority shall proceed to supply the information as sought for by the petitioner, at an early date preferably within a period of two months from the date of submission of the application.

The writ petition stands disposed of accordingly.

March 5th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No