

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

**CWP No. 11950 of 2008
Date of decision: 18.07.2019**

Narang Singh and another

...Petitioners

V/s.

Financial Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Aashish Chopra, Advocate with
Mr. Prateek Sodhi, Advocate for the petitioners.

RITU BAHRI, J. (Oral).

The petitioners are seeking quashing of the impugned order dated 22.01.2008 (Annexure P/7) passed by Financial Commissioner, Punjab Civil Secretariat, Punjab/respondent No. 1 and order dated 07.06.2007 (Annexure P/5) passed by Commissioner, Patiala Division, Patiala/respondent No. 2 and restoration of the order dated 31.08.2006 (Annexure P/4) passed by the District Collector, Fatehgarh Sahib and order dated 31.05.2006 (Annexure P/3) passed by the Assistant Collector, First Grade, Bassi Pathana relating to mutation No. 2363 of village Chunni Khurd.

Vide order dated 31.05.2006 (Annexure P/3), The Assistant Collector, First Grade, Bassi Pathana had rightly passed order with respect to land in dispute that the share of co-parceners in ancestral property keeps on fluctuating and definite share in ancestral land cannot be defined until and unless the partition is effected and the mutation had been wrongly entered on the basis of shares without any partition. This order was upheld

by the District Collector, Fatehgarh Sahib vide order dated 31.08.2006 (Annexure P/4). However, it was reversed vide orders dated 07.06.2007 (Annexure P/5) and 22.01.2008 (Annexure P/7).

Keeping in view the judgment passed in RSA No. 2169 of 2005 filed by Naurang Singh, the land in dispute has not been held to be coparcenary property, the writ petition is allowed and the impugned orders dated 07.06.2007 (Annexure P/5) and 22.01.2008 (Annexure P/7) are set aside.

(RITU BAHRI)
JUDGE

18.07.2019
Divyanshi

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