

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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Date of decision: 27.05.2019

CM-3894-CWP-2019 &
CWP-13259-2017

KULDEEP SINGH

...PETITIONER

VS.

FINANCIAL COMMISSIONER (REVENUE), PUNJAB AND ORS

...RESPONDENTS

CM-3896-CWP-2019 &
CWP-13120-2017

KULDEEP SINGH

...PETITIONER

VS.

FINANCIAL COMMISSIONER (REVENUE), PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S.Chauhan, Advocate,
for the applicant-petitioner.

Mr. Charanpreet Singh, AAG, Punjab,
for respondents No. 1 to 4.

Ms. Rupinder Kaur Thind, Advocate,
for respondent No. 5.

Mt. J.S.Brar, Advocate,
for respondent No. 6.

None for respondent No. 9.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of CWP No. 13259 of 2017
titled as Kuldeep Singh vs. Financial Commissioner (Revenue), Punjab and

others and CWP No. 13120 of 2017 titled as Kuldeep Singh vs. Financial Commissioner (Revenue), Punjab and others.

In both these writ petitions, applications are for preponement of the hearing of the cases and for disposal of the cases on the basis of a compromise, which has been entered into between the petitioner-Kuldeep Singh and Kirandeep Singh-respondent No. 6. However, counsel for respondent No. 5-Kanwaldeep Singh, states that respondent No. 5 is not a party to the compromise and, therefore, would not be in a position to give his consent for disposal of the writ petitions on the basis of the compromise and would rather opposes the said compromise in the light of the fact that the fresh *Sanad Takseem* has to be issued which would adversely affect the *Sanad Takseem* already issued, according to which, the said respondent No. 5 has got a particular chunk of land, which is again a subject matter of CWP No. 19322 of 2017 titled as Kanwaldeep Singh vs. Financial Commissioner (Revenue), Punjab and others and, therefore, the claim of the petitioner would be affected in the said writ petition.

Counsel for the petitioner as well as counsel for respondent No. 6 submit that the present compromise is between the petitioner and respondent No. 6 alone as the primary grievance of the petitioner in these writ petitions was against respondent No. 6 where he had asserted that he has not got access to the land related to the water course which has now been provided by respondent No. 6, as mentioned in para-3 of the affidavit dated 24.09.2018 (Annexure R-1) filed by Kirandeep Singh-respondent No. 6 in CWP No. 13120 of 2017. They further submit that whatever be the right of respondent No. 5, the same may be kept open and his writ petition i.e. CWP No. 19322 of 2017 titled as Kanwaldeep Singh vs. Financial

Commissioner (Revenue), Punjab and others, may be heard and decided on its own merits.

In the light of the above, these applications for preponement of the hearing of the cases are allowed. The main cases are preponed from 22.07.2019 to today and are taken on Board for disposal.

These writ petitions are disposed of in the light of the compromise entered into between the petitioner-Kuldeep Singh and respondent No. 6-Kirandeep Singh.

It is, however, made clear that the compromise, which has been entered into between the petitioner and respondent No. 6, shall not, in any manner, adversely affect the interest of respondent No. 5, who is not a party to the compromise. The writ petition, which has been preferred by respondent No. 5, i.e. CWP No. 19322 of 2017 titled as Kanwaldeep Singh vs. Financial Commissioner (Revenue), Punjab and others, shall be heard and decided on its own merits and the disposal of these writ petitions shall have no impact or bearing whatsoever on the rights of respondent No. 5.

In the light of the disposal of the writ petitions, the competent authority i.e. Assistant Collector First Grade (Tehsildar), Kotkapura, District Faridkot shall proceed to amend the *Sanad Takseem* accordingly making it clear that whatever share has been assigned to respondent No. 5 in the *Sanad Takseem* shall be kept intact. This amended Sanad Takseem shall be subject to the outcome of CWP No. 19322 of 2017 titled as Kanwaldeep Singh vs. Financial Commissioner (Revenue), Punjab and others.

May 27, 2019

pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No