

**C.M. NO.17449 CWP 2017 &
CIVIL WRIT PETITION NO.25092 OF 2017**

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

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**C.M. NO.17449 CWP 2017 &
CIVIL WRIT PETITION NO.25092 OF 2017
DATE OF DECISION: JULY 25, 2019**

Mohinder Singh and another

.....Petitioners

VERSUS

Financial Commissioner (Appeal), Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rai Singh Chauhan, Adovcate,
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab,
for the State.

Mr. Dheeraj Mahajan, Advocate,
for respondent Nos.5 and 6.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Having considered the submissions made by counsel for the parties and on perusal of the original record as has been produced by counsel for the State, the factum of approval of the proposed mode of partition dated 02.12.1998 has not been found on the record.

In the light of the above, keeping in view the fact that after the site inspection, where all the parties were present, mode of partition has been proposed on 02.12.1998 but neither the objections were called for from the parties nor was the said mode of partition was confirmed, the proceedings thereafter are unsustainable and, therefore, the same are hereby

set-aside.

The parties are directed to appear before the Assistant Collector Ist Grade, Pathankot, on 22.08.2019, who shall proceed from the stage of proposed mode of partition by calling objections from the respective parties and then decide the partition application in accordance with law within a period of two months. Each party will be given one opportunity to file objections, if any, to the *Nakshas*.

With the above observations, the writ petition stands disposed of.

July 25, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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