

111

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

CR-2684-2020 (O&M)
Date of decision: 21.12.2020

Vijay Kumar and others

...Petitioners

Versus

Land Acquisition Collector-cum-DRO Jind and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Hooda, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs are the petitioners in this revision petition. They have assailed the correctness of the orders passed by the trial Court as well as the First Appellate Court refusing to grant injunction against the disbursement of the compensation of the land acquired from a joint khewat.

Learned counsel for the petitioners contends that partition proceedings of the joint khewat are pending and in the aforesaid proceedings, the piece of land which has been acquired is sought to be allotted to the petitioners.

It is not in dispute that the partition proceedings have not been finalized. The status of co-owners comes to an end as such only on preparation of the instrument of the partition (Sanad Taksim). The plaintiffs can always file an application before the authorities, where the proceedings

for partition of the land are pending, for excluding the acquired land from the partition of the joint property. Still further, both the Courts have held that the petitioners do have an effective alternative remedy of filing an application under the National Highways Act, 1956.

Keeping in view the aforesaid facts, no ground to interfere in the orders passed by the Courts below is made out.

Accordingly, the revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

21.12.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No