

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

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C.W.P.No.9714 of 2018 (O&M)

Date of Decision:- 05.03.2020

Gurmit Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. N.K. Verma, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

C.M.No.3884-CWP-2020

Allowed as prayed for.

Annexures P-5 and P-6 are taken on record.

C.W.P. No. 9714 of 2018

The petitioner filed an application for partition of joint land. The learned Assistant Collector, Ist Grade, partitioned the land and directed issuance of *sanad taksim* dated 6.2.2007. The partition was challenged by respondent No.2 by way of a civil suit which was dismissed for non-prosecution on 21.8.2010. Thereafter, the said respondent approached the Divisional Commissioner, Patiala, who dismissed his petition. Hence, a revision petition was filed before the Financial Commissioner, who allowed the same vide order dated 10.10.2013 and remanded the case to the Divisional Commissioner, Patiala for deciding the case afresh after taking into consideration the order of the Civil Court. The Divisional

Commissioner, Patiala, decided the petition vide order dated 6.12.2017 and set aside the partition. He directed Assistant Collector, Ist Grade to conduct the partition afresh because he found that respondent No.2 had not been served. This order is under challenge in the present writ petition.

Against the order of the Divisional Commissioner impugned in the present writ petition, remedy of filing revision before the Financial Commissioner is available. However, the same has not been availed. An efficacious alternative remedy is available and, thus, I refrain from exercising jurisdiction under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. The petitioner, however, shall have the liberty to challenge the order of the Divisional Commissioner by way of a revision petition.

March 05, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**