

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

CWP No. 1183 of 2021
Date of decision: 19.01.2021

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Madan Lal Dhingra

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the impugned order dated 28.10.2020 (Annexure P-8) passed by respondent no. 1, vide which, the *sanad takseem*, which was prepared after a prolonged litigation of 9 years, has been set aside and the matter has been remanded for fresh decision.

Counsel for the petitioner has restricted his prayer against the impugned order whereby, the matters have been remanded to the Assistant Collector 2nd Grade for fresh decision to the extent that the matter should be time bound.

It is his case that he had filed the partition application on 31.05.2011 being owner of 28 kanals out of the non-partitioned land measuring 80 kanals 2 marlas in village Kabulpur, Tehsil and District Faridabad. The Financial Commissioner, on perusal of the record in the two revision petitions preferred by

one set of respondents no. 3 to 11 and by respondent no. 12, noticed that the *zimini* orders from 28.05.2012 to 25.09.2018 had not been signed by the Presiding Officer. Resultantly, the existence and the legality of the orders whereby *Naksha Beh*, *Naksha Zeem* and *Sanad Takseem* had been approved including the mode of partition were held to be in serious doubt. Counsel, thus, submits that he has been seriously prejudiced since 9 years have passed since he had initiated the litigation and for no fault of his and for the fault of the revenue officers, the matter has been remanded. It is, in such circumstances, he seeks time bound disposal.

Notice of motion.

Mr. RKS Brar, Addl. A.G., Haryana accepts notice on behalf of the official respondents.

The innocuous prayer is justified in the facts and circumstances and the private respondents can have no such quarrel with the same and, therefore, this Court does not feel the requirement to issue notice to them for opposing the said prayer as it would only further delay the proceedings.

Accordingly, directions are issued to respondent no. 2 i.e. Assistant Collector 2nd Grade, Tigaon, who is now seized of the matter after the remand order dated 28.10.2020 passed by the Financial Commissioner, to expeditiously dispose of the partition application and preferably within a period of one year from the date of receipt of certified copy of the order.

The writ petition stands disposed of accordingly.

19.01.2021
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No