

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

Sr. No.209

**CWP No.6240 of 2021 (O&M)
Date of Decision : October 11, 2021**

Ajay Dhingra

...Petitioner

Versus

Commissioner Gurugram Division, Gurugram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Harsh Bunker, Advocate, for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Ajay Jain, Advocate for respondent No.4.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because the authorities below have partitioned the land in dispute. Respondent No.4 had filed an application for partition of joint land which was opposed by the petitioner on the ground that being a lessee the partition proceedings were not maintainable. The order passed by the Assistant Collector Ist Grade was challenged before the Collector but the same was dismissed vide order dated 17.02.2021. Revision has also been dismissed vide order dated 10.03.2021.

Learned counsel for the petitioner has raised only one submission i.e. Section 111 of the Punjab Land Revenue Act, 1887 provides that partition can be sought against owners or tenants having occupancy rights. No application for partition is maintainable against a lessee.

In response, learned counsel for respondent No.4 only submits that the petitioner is a lessee of 1/30th share of land measuring 57 kanals and

CWP No.6240 of 2021 (O&M)

04 marlas. The lease being of an unspecified parcel of land, is being misused by the petitioner. He is interfering in the possession of the 4th respondent.

From the above, it is evident that learned counsel for respondent No.4 has no answer to the legal question raised. In case, the petitioner is interfering in the lawful possession of respondent No.4, he can avail of any other remedy in accordance with law. Partition is not the appropriate remedy.

The writ petition is accordingly allowed. Impugned orders dated 10.03.2021, 17.02.2021 and 06.12.2020 are quashed.

October 11, 2021

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No