

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 21793 of 2020

Bhajan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

2. Civil Writ Petition No. 21834 of 2020

Bhajan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

AND

3. Civil Writ Petition No. 21864 of 2020

Bhajan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

Date of Decision: 05.01.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Satpreet Grewal, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, Deputy Advocate
General, Punjab for respondents No. 1 to 4.

Anil Kshetarpal, J.

By this order, Civil Writ Petition Nos. 21793, 21834 and 21864 of 2020, shall stand disposed of. In all these writ petitions, the petitioner, his counsel and the issue involved, is common. Therefore, it is considered appropriate to dispose of the writ petitions by a common order.

These writ petitions arise from three different applications,

seeking partition of various parcels of the agriculture land, which are pending before the Court of Assistant Collector Ist Grade, Hajipur, District Hoshiarpur . The petitioner herein, is a respondent in the applications seeking partition. There are a large number of co-owners in the joint land. The petitioner objects to the continuance of the partition proceedings on the ground that a single petition cannot be filed by clubbing the joint land, located in different khewats, particularly, when the co-owners, in all these khewats are different. The petitioner has already filed reply to the application seeking partition.

From perusal of the three applications seeking partition, it is apparent that in the partition case “Raj Rani and Others v. Mohinder Singh and Others”, the partition of land comprised in Khewat No. 61, has been sought, whereas in the partition case “Raj Rani and Others v. Joginder Singh and Others”, the partition of land comprised in Khewat No. 95, has been sought and in partition case “Kanchan and Others v. Joginder Singh and Others”, the partition of land comprised in Khewat No. 153, has been sought. No doubt, in the mode of partition, more than one khewat numbers have been referred to. However, it is significant to note that in CWP No. 21793/20, the application seeking partition (Annexure P-1) is in the case of “Raj Rani & ors. Vs. Mohinder Singh & Ors.” whereas mode of partition(Annexure P-3) is in the case of “Raj Rani and Ors. Vs. Joginder Singh Ors. Similarly in CWP No. 21834/20, the application seeking partition (Annexure P-1) is in the case “Kanchan & Ors. Vs. Joginder Singh & Ors. whereas mode of partition”(Annexure P-3) is in the case of “Kanchan Devi Vs. Charanjit Singh & Ors. ”

At present, only the mode of partition has been sanctioned. The petitioner filed three revision petitions before the Court of Commissioner against the sanction of the mode of partition, which were found to be not maintainable and hence, dismissed. It would be noted here that in order to avoid filing of the appeals and the revisions against the interim orders passed during the pendency of the application for partition, the Punjab Legislature amended Section 13 and 16 of the Punjab Land Revenue Act 1887. The

Commissioner, Jalandhar Division, Jalandhar, in view of the aforesaid amendment, has held that the revision is not maintainable.

From the reading of order sanctioning the mode of partition, it is apparent that when the Assistant Collector passed the orders sanctioning the mode of partition, the petitioner did not object to the continuance of the proceedings on the ground that the land of different khewats with different co-owners in each khewat have been clubbed together. Thus, none of the courts have examined this aspect.

Keeping in view the aforesaid facts, it is considered appropriate to relegate the petitioner before the Assistant Collector Ist Grade, where the proceedings for partition of the agricultural land are stated to be pending, with liberty to file the respective applications drawing the attention to the aforesaid aspect which shall be required to be decided in accordance with law, before proceeding further in the main applications seeking partition.

In view of the above, the writ petitions are disposed of.

**(Anil Kshetarpal)
Judge**

January 05, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No