

**104-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4523-2014 (O&M)

Date of decision: 21.10.2022

Krishan Kumar

....Petitioner

Versus

The Assistant Collector Ist Grade-cum-Naib Tehsildar, Sri Muktsar
Sahib and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Sidhu, Sr. Advocate with
Mr. Chandan Singh, Advocate for the petitioner

Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The present revision petition is filed assailing the correctness of the order dated 02.05.2013, passed by the Assistant Collector Ist Grade-cum-Naib Tehsildar, Sri Muktsar Sahib. The Assistant Collector has dismissed the petitioner's application filed with a prayer to consolidate the applications no.62-P, 65-P and 64-P, before proceeding to partition the property. The Assistant Collector has concluded that since some of the co-owners in the various khewats are different and not common, therefore, the various partition applications cannot be clubbed together.

2. Learned senior counsel representing the petitioner submits that joint and partitioned land of three different khewats i.e khewat no.157, 161 and 162 is the subject matter of partition proceedings in the various petitions. Majority of the co-sharers in all the three khewats are common though there are certain co-owners/co-sharers, who are different. He submits that the entire land is located in the revenue estate

of Village Rupana, Tehsil Sri Muktsar Sahib and in the interest of irrigation and prevention of fragmentation, it would be appropriate to club all the three separate applications for partition of the joint property in order to enable the authority to allocate a consolidated parcel of the land to co-owner, which would save the co-sharer from having the different parcels of land. He submits that this help the landowners to irrigate the land as well as in the production of crops in a better manner. He relies upon **Kulwant Singh and others vs. Assistant Collector 2nd Grade, Nathusari Chopta and others 2002 (3) RCR (Civil) 207.** Learned counsel representing the private respondents has not put in appearance though the case was called twice.

3. While partitioning the agricultural land, the competent officer is required to ensure that a particular co-sharer is allocated a compact parcel of land in order to enable them to utilize the land economically. Fragmentation of land holdings of an agriculturalist in different parcels which are separately located is never in the benefit of a farmer. It becomes difficult to cultivate the agricultural land if it is located in small parcels in a fragmented manner. The State of Punjab has already enacted the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, in order to consolidate the land holdings of the farmers.

4. Keeping in view the aforesaid facts, the Assistant Collector 1st Grade's order is set aside. The Assistant Collector First Grade is requested to consolidate all the three different applications, for the partition of land comprised in khewat nos.157, 161 and 162 and proceed

to decide the same accordingly.

5. Needless to observe that the Assistant Collector First Grade would grant an opportunity of hearing to all the co-sharers of all the three khewats before partitioning the property.

6. Disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

21.10.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE