

118-3

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

CWP No.8752 of 2019

Date of Decision: 20.12.2023

Sher Singh

..... Petitioner

Versus

A.C. 1st Grade-cum-DRO, Ludhiana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. Deepa Negi, Advocate for
Mr. S. S. Swaich, Advocate
for respondents No.2 and 3.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for quashing the impugned order dated 08.08.2018 (Annexure P-3); order dated 12.09.2018/14.09.2018 (Annexures P-4 and P-5) passed by the learned A.C. 1st Grade vide which the mode of partition has been sanctioned in a partition application bearing No.206 titled as Sher Singh vs. Darshan Singh and others, pertaining to land measuring 21 kanals 06 marla being illegal, arbitrary and contrary to the provisions of Punjab Land Revenue Act as well as the principles governing the partition of the agricultural land. Further prayer has been made for staying the proceedings before the A.C. 1st Grade during the pendency of the present petition.

The petitioner has impugned the order dated 08.08.2018 whereby the mode of partition was approved. However, as per the statutory provisions, the petitioner has the remedy of filing an appeal before the learned Sub Divisional Magistrate by virtue of the amendment in the Punjab Land Revenue Act.

In view of the above position, the present petition is disposed of with liberty to the petitioner to file an appeal before the learned Sub Divisional Magistrate within a period of two weeks from today.

As the petition remained pending since 2019 before this Court, so the Appellate Court would take into consideration the issue of delay sympathetically keeping in view the provisions of Section 14 of the Limitation Act.

Interim order dated 19.08.2019 shall continue till the filing of the appeal. Needless to say, if the appeal is not filed within two weeks, then this order would be of no avail.

(RAJESH BHARDWAJ)
JUDGE

20.12.2023

rittu

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No