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

CWP-15885-2022 (O&M)
Date of decision : 15.02.2023

Sukhbir Singh and another

...Petitioners

Versus

Naib Tehsildar/Assistant Collector Ist Grade and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Dassaur, Advocate for the petitioners.

Mr. Karan Puggal, DAG, Punjab.

Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Atul Nehra, Advocate for applicant/respondent Nos.3 to 7
(In CM-2141-CWP-2023)
for applicant/respondent Nos.10 to 13
(In CMs-2218-19-CWP-2023)

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.1 to ascertain the shares of co-sharer in the land subject matter of the partition proceedings in compliance of the orders dated 29.10.2015 (Annexure P-2) and dated 17.02.2016 (Annexure P-3) passed by this Court and order dated 08.12.2017 (Annexure P-6) passed by the Hon'ble Apex Court. Further prayer has been made for issuance of a writ in the nature of mandamus directing respondent No.1 to not rely upon order

dated 10.06.2016 (Annexure P-5), in which, the shares of the parties have been ascertained.

Learned counsel for the petitioners seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to avail alternate remedy, in accordance with law.

In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has pointed out that in the present case, the petitioners have deposited an amount of Rs.77,29,922/- in pursuance of orders passed by the Coordinate Bench of this Court on 04.08.2022 and 16.08.2022 and has prayed that the said amount be returned to the petitioners since the main Civil Writ Petition has been withdrawn.

In view of the same, the petitioners are permitted to withdraw the said amount deposited with respondent No.1-Executing Court.

The said withdrawal would not prejudice the rights of respondents to enforce the orders in their favour.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

15.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No