

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16220-2020(O&M)

Date of decision : 16.03.2023

Sucha Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present:- Mr.Anuj Balian, Advocate
for the petitioners.

Mr.Rajneesh Chadwal, AAG, Haryana
for respondents no.1 to 3.

Mr.Surjit, Advocate for
Mr. Vikram Singh, Advocate
for respondent no.5.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned partition proceedings and also Sanad Takseem dated 22.11.2018 passed by respondent no.3 vide which the property was partitioned.

Learned counsel for the petitioners as well as respondent no.5 have jointly submitted that entire matter has been compromised and all the parties to the present writ petition have signed the compromise which is at pages 5 and 6 of the documents submitted by the petitioners and respondent no.5 jointly before this Court today. The said documents, include an

affidavit of Kanwar Pal (petitioner no.4) at pages 1 and 2, affidavit of Hoshiar Singh (respondent no.5) at pages 3 & 4, compromise at pages 5 and 6, amended Sanad Takseem at pages 7 to 17, Nakshas at pages 19 to 23, Aadhar card at pages 24 and 25, are taken on record and are marked as “Mark A”. It has been jointly stated that the compromise entered into the between the parties is genuine and bonafide and is in the best interest of the parties and would help in resolving the dispute finally. It has also been stated that the compromise has been signed by all the parties and all the parties are satisfied with the amended Sanad Takseem and would become owners of the land as per the said Sanad Takseem. It has been jointly prayed that the present petition be disposed of in terms of said compromise and instead of Sanad Takseem dated 22.11.2018, the amended Sanad Takseem (from pages 7 to 18) of “Mark A” be considered to be the final Sanad Takseem and the parties will be bound by the same.

Learned State counsel has submitted that since the present dispute relates to a partition matter and thus, the State has no objection to the compromise entered into by the parties and the case being disposed of in terms of the compromise.

Learned counsel for the petitioners as well as respondent no.5 have submitted that the parties be directed to appear before the Assistant Collector 2nd Grade, Panchkula and the said Assistant Collector 2nd Grade be directed to modify the Sanad Takseem in accordance with the compromise effected between the parties.

Keeping in view the above said facts and circumstances and also, keeping in view the consent between the parties and also the affidavits, compromise and other documents jointly submitted by the petitioners and

respondent no.5, the present writ petition is disposed of with the following directions:-

- i) Both the parties will be bound by the amended Sanad Takseem which is at pages 7 to 18 of “Mark A”. The parties would also be bound by the compromise which is at pages 5 and 6 of “Mark A”.
- ii) The Assistant Collector 2nd Grade, Panchkula is directed to modify the Sanad Takseem as per the compromise entered into between the parties. The petitioners and the private respondents would appear before the Assistant Collector 2nd Grade, Panchkula on 24.03.2023 at 10:00 AM along with certified copy of the present order and the Assistant Collector 2nd Grade, Pankhkula is directed to carry out the necessary modification in the Sanad Takseem upto 20.04.2023. Both the parties would be bound by the compromise / affidavit.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 16, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No