

106

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

**CWP-19640-2017**

**Date of Decision: December 20, 2023**

Parkash Chand and another

.....Petitioners

Versus

Naib Tehsildar-cum-Assistant Collector and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.R.S.Chauhan, Advocate with  
Ms.Deepika Chauhan, Advocate  
for the petitioners.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab.

.....

**RAJESH BHARDWAJ, J.(ORAL)**

Prayer in the present petition is for quashing the order dated 04.08.2017 (Annexure P-8) passed by respondent No.1 vide which mode of partition was approved erroneously contrary to the proposed mode of partition and further to frame fresh mode of partition proposed by the same authority as per order dated 06.07.2017, Annexure P/5. It is further prayed to issue direction that the mode of partition be approved as per the proposed mode of partition, dated 06.07.2017, Annexure P-5.

Learned counsel for the petitioners has fairly submitted that at the time of filing the present petition remedy against the impugned orders was before this Court by filing the writ petition, however, by virtue of the amendment in December 2020, there is a remedy of appeal with the petitioners. He prays for withdrawal of the present petition with liberty to the petitioners to avail the remedy of filing the appeal before the Collector.

However, he submits that at the time of issuance of notice of motion on 31.08.2017, further proceedings were stayed and the same be maintained till the decision of the appeal to be filed by the petitioner before the Collector.

Learned counsel for the respondents have agreed to the same.

In view of the above, the present petition is dismissed as withdrawn with liberty to avail remedy of filing the appeal before the Collector. Operation of the impugned order would remain stayed till the decision of the appeal by the Collector.

December 20, 2023

meenuss

( RAJESH BHARDWAJ )  
JUDGE

- |    |                             |        |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ?        | Yes/No |