

CWP-607-2016

Date of Decision: 23.11.2023

Harbhajan Singh and another

..... Petitioners

Versus

Assistant Collector Ist Grade and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rai Singh Chauhan, Advocate, for the petitioners.
Ms. Akshita Chauhan, Deputy Advocate General, Punjab.
Mr. Puneet Sharma, Advocate for
respondents No.2, 5, 6, 12 and 13.

Mr. Simaranjit Singh, Advocate for
Mr. H.S. Dhandi, Advocate, for respondent No.9 & 11.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the order dated 28.10.2015 (Annexure P-13) passed by respondent No.1 and further to frame fresh mode of partition keeping in view the nature and quality of land and front abutting GT Road be proportionately allotted as per the share.

Learned counsel for the petitioners has fairly submitted that at the time of filing the present petition remedy against the impugned order 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 petitioner. He prays for withdrawal of the present petition with liberty 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 13.01.2016, operation of the impugned order was 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In view of the above, the present petition is dismissed as withdrawn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.

23.11.2023
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE