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

CWP-26269-2018

Date of Decision: December 20, 2023

Piara Singh and others

.....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.

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RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing the order dated 20.08.2018 (Annexure P-19) vide which mode of partition has illegally been approved and the objections filed by the petitioners, Annexure P-15, have been erroneously rejected by passing a non-speaking and cryptic order which is not sustainable and liable to be set aside. It is further prayed to remand the matter to Assistant Collector Ist grade for framing the fresh mode of partition.

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 06.12.2018, stay was granted and the same be maintained till the decision of the appeal to be filed by the petitioners 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In view of the above, the present petition is dismissed as withdrawn with liberty to avail remedy of filing the appeal before the Collector.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

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**(RAJESH BHARDWAJ)
JUDGE**

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