

104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-987-2018

Date of Decision: November 23, 2023

Bikkar Singh and others

.....Petitioners

Versus

Assistant Collector Grade-I and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Harpal Singh Saggu, Advocate for
for the petitioner.
Ms.Akshita Chauhan, Deputy Advocate General, Punjab.
Mr.A.S.Salar, Advocate
for respondents No.2 to 4.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of a writ in the nature of certiorari for quashing the order dated 12.10.2016, Annexure P/7, passed by respondent No.1-Assistant Collector, Grade-1, Dhuri, District Sangrur and the instrument of partition dated 07.04.2017, Annexure P/8, i.e. Sanad Takseem, and directing respondent No.1 to conduct the partition proceedings afresh after hearing the petitioner. It is also prayed that during pendency of the present petition, implementation of instrument of partition, Annexure P/8 be stayed.

Learned counsel for the petitioners though has relied upon judicial precedents of this Court rendered in **Baljinder Kaur and another vs Assistant Collector Grade-I (Tehsildar) Dhuri and others**, passed in CWP-10053-2015, decided on 19.05.2016, **Balvir Singh vs Assistant Collector Grade-I (Tehsildar) sherpur and others**, passed in CWP-14420-2015, decided on 06.04.2016 and **Raja Ram alias Rajender vs**

Tehsildar-cum-Assistant Collector, Hissar 2001(2) RCR (Civil) 739 but learned counsel for respondents No.2 to 4 has opposed the submissions made by learned counsel for the petitioners and submits that in view of the statutory provisions of the Punjab Land Revenue Act, further remedy after issuance of Sanad Takseem lies before for the learned Financial Commissioner, which the petitioners have not availed.

In view of the above, learned counsel for the petitioners prays that he may be allowed to approach the learned Financial Commissioner, however, the period beyond limitation regarding the same may be condoned as petition remained pending here.

Learned counsel for respondents No.2 to 4 has submitted that respondents No.2 to 4 would have no objection regarding the condonation of delay.

In view of the same, the petitioner is allowed to withdraw this petition with liberty to approach the learned Financial Commissioner. Both the parties would be heard by the learned Financial Commissioner on merits and as the petition has remained pending here, learned Financial Commissioner would take into consideration this fact and decide the issue of delay sympathetically.

The status quo regarding the possession would be maintained till decision of the revision by the learned Financial Commissioner.

November 23, 2023

meenuss

(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No