

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

CWP-24139-2023

Date of decision : 20.10.2023

Harbans Singh deceased through LRs

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Namit Gautam, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for issuance of direction to the official respondents to not to proceed further with the delivery of the physical possession of the partitioned land belonging to Village Gill-II, Tehsil and District Ludhiana South in Case No.12 of 19.07.2022 on the basis of order of partition issued by Assistant Collector 1st Grade, Ludhiana South dated 27.03.2023 (Annexure P-10) which is concluded by drawing up of Sanand Taqseem on 12.05.2023 (Annexure P-11) till the time the dispute qua the property is finally adjudicated in RSA No.5807 of 2016 titled as Harbans Singh and Manjit Singh and others pending before this Court for 12.12.2023 and ROR No.57 of 2023 dated 11.01.2023 titled as Harbans Singh through LRs Vs. Karamjit Kaur and others (Annexure P-8) pending before the Financial Commissioner, Punjab, Chandigarh. Further prayer has been made for quashing the impugned order No.9/WOP dated 28.07.2023 (Annexure P-23) passed by respondent No.5 whereby respondent No.5 has incorporated the symbolic

possession in favour of respondent No.6 inspite of the fact that order of partition dated 27.03.2023 (Annexure P-10) and Sanad Taksim dated 12.05.2023 (Annexure P-11) have been challenged by the petitioner by filing the application dated 26.06.2023 (Annexure P-13) in which earlier vide order dated 26.06.2023 (Annexure P-14) the warrants of possession were stayed by office of Tehsildar Ludhiana South and later on the order dated 26.06.2023 (Annexure P-14) was set aside vide order dated 05.07.2023 (Annexure P-17) and thereafter, order dated 05.07.2023 (Annexure P-17) was stayed vide order dated 10.08.2023 passed by respondent No.3 (Annexure P-19).

Learned counsel for the petitioner submits that he may be allowed to withdraw the present petition with liberty to the petitioner to avail appropriate remedy before the Court below in accordance with law.

Allowed to do so.

Dismissed as withdrawn with liberty as prayed for.

(**RAJESH BHARDWAJ**)
JUDGE

20.10.2023
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No