

105(2 cases)

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

CWP-34749-2019(O&M)

Date of Decision: September 25, 2023

Bhagat Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Anu Garg, Advocate for
Mr.V.P.Sangwan, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana.

Mr.Sumit Sangwan, Advocate
for respondents No.3, 4, 10, 13, 15, 16, 16, 27 and 30.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for quashing of all the partition proceedings as well as to quash the Mode of Partition, dated 19.12.2018, Annexure P-9, and Partition Certificate, dated 29.05.2019, Annexure P-10, and alleged possession proceedings, dated 02.08.2019, Annexure P-11, as the same are got done secretly, fraudulently and without any notice, as the land given on lease for establishing stone crusher for 20 years has wrongly and illegally partitioned and allotted to respondent No.3. It is further prayed to stay the operation of the impugned partition certificate, dated 29.05.2019, Annexure P-10, or the co-sharers/co-owners be directed to maintain status quo over the land in dispute.

Learned counsel for the petitioners prays for withdrawal of the present case with liberty to the petitioners to avail the alternative remedy of

filing appeal before the Commissioner. However, he prays that learned Commissioner be directed to condone the delay in filing the appeal as the case has remained pending before this Court since the year 2019.

In view of the prayer made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with liberty to the petitioners to avail the alternative remedy of approaching the authority concerned for the redressal of their grievances. However, the concerned Authority is directed to decide the issue pertaining to delay sympathetically by considering the fact that the matter remained pending in this Court since the year 2019.

September 25, 2023
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(RAJESH BHARDWAJ)
JUDGE

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