

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

CWP-27092-2023

Date of decision : 21.12.2023

Gopal Ram and another

.....Petitioners

versus

State of Haryan and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Munish Kumar Garg, Advocate
Mr. Tanuj Goyal Tohana, Advocate and
Ms. Bhawna Thakur, Advocate
for the petitioners.

Mr. P.K. Ganga, Advocate
for respondent No.4.

Ms. Upasana Dhawan, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the order dated 11.11.2021 (Annexure P-5) passed by learned Assistant Collector 2nd Grade, Dabwali, Sirsa whereby objections of mode of partition dated 08.10.2021 (Annexure P-4) preferred by the petitioners against tarika taksim dated 29.09.2021 (Annexure P-3) has been dismissed and consequently, appeal preferred on dated 26.11.2021 (Annexure P-6) before Sub-Divisional Magistrate (C), Assistant Collector, Dabwali preferred before respondent No.3 was also dismissed vide final order dated 12.10.2022 (Annexure P-7), as such the dismissal of the order passed by the learned Revenue Authorities are totally against Section 116 of the Punjab Land Revenue Act, 1887.

Learned counsel for the petitioners has submitted that his precise objection to the mode of partition is regarding providing rasta to each tak. He has submitted that 6 kanals land has been reserved for the rasta and as per the MOP, out of 6 kanals, 46 marlas land is deducted from the share of the petitioners only. However, counsel for respondent No.4 submits that naksha beh is not yet issued and the petitioner has every right to raise all these objections at the time when naksha beh is issued.

Learned counsel for the petitioners submits that the petitioners have filed the appeal and the present petition so that their consent may not be observed regarding the mode of partition. However, he submits that they be allowed to raise objections as and when naksha beh is issued. In view of this, he prays for withdrawal of the present petition with liberty to raise all objections at the relevant time.

Allowed as prayed for.

Petition is dismissed as withdrawn. Petitioners would be at liberty to file their objections available to them as raised in this petition at the relevant time when naksha beh is issued and same would be decided by the authorities concerned as in accordance with law.

21.12.2023
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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