

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2616-2024

Date of Decision:06.02.2024

Mohammad Basheer

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rai Singh Chauhan, Advocate and
Ms.Deepika Chauhan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to the respondents to deliver the possession in respect of the suit land measuring 4 kanal 9 marla comprised in Rectangle No.49//21/1 (2-0) No.76 1/1 (2-9) situated in Malerkotla, Tehsil and District Malerkotla, which was allotted as per order of final partition dated 11.04.2018 (Annexure P-4) passed by Assistant Collector Ist Grade, (Naib Tehsildar), Malerkotla, which has become final, as the same was not challenged and challenge was made only to the order dated 17.07.2017 (Annexure P-2) passed by the Tehsildar-cum-Assistant Collector Ist Grade vide which Naksha Arra was approved and appeal filed against the said order was dismissed by the Collector (Sub Divisional Magistrate), Malerkotla as per order dated 25.01.2018 (Annexure P-3) and even the revision petition filed before the learned Commissioner, Patiala Division, Patiala was also dismissed vide order dated 16.11.2022 (Annexure P-5) and in the revision petition filed before the Financial Commissioner (Appeals), Punjab, no stay has been granted, thus, there was no impediment in implementing the order of partition, but despite even submitting registered legal notice dated 16.11.2023 (Annexure P-7) upon

respondent No.4 neither the possession of the suit land has been delivered nor

any further action has been taken and the petitioner is more than 73 years old and senior citizen running from pillar to post and thus, being harassed and humiliated, as such appropriate direction may be issued to the respondents and the possession of the suit land may be delivered in favour of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has already served a legal notice dated 16.11.2023 (Annexure P-7) upon respondent No.4, however, no action has been taken on the same till date.

Notice of motion to the official respondents only.

Mr. Arun William, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.4 i.e. Tehsildar-cum-Assistant Collector Ist Grade, Ahmedgarh and Malerkotla, to decide the legal notice dated 16.11.2023 (Annexure P-7) served by the petitioner in accordance with law expeditiously within a period of two months from today.

06.02.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No