

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4494 of 2024
Date of Decision: 27.02.2024

Chanderbhan and another
..... Petitioners

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Sahu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for setting aside the impugned order dated 30.11.2023 (Annexure P-8) passed by the Commissioner, Hisar Division, Hisar and order dated 15.06.2022 (Annexure P-7) passed by District Revenue Officer-cum-Collector, Fatehabad and order dated 27.09.2021 (Annexure P-2) passed by Assistant Collector IInd Grade, Bhattu Kalan and order dated 11.10.2021 (Annexure P-3) passed by Assistant Collector IInd Grade, Bhattu Kalan being illegal, null and void, capricious, unjust and against the provisions of Land Revenue Act, whereby the respondents without serving the petitioners got them proceeded ex-parte and got sanctioned the mode of partition as per their choice because the respondent/applicant is in possession of total fertile and valuable land and the land which is in possession of the petitioners is unfertile and falling beyond the main

road. Further prayer has been made for staying the operation of impugned order dated 30.11.2023 (Annexure P-8) passed by the Commissioner, Hisar Division, Hisar and order dated 15.06.2022 (Annexure P-7) passed by District Revenue Officer-cum-Collector Fatehabad and order dated 27.09.2021 (Annexure P-2) passed by Assistant Collector IInd Grade Bhattu Kalan and order dated 11.10.2021 (Annexure P-3) passed by Assistant Collector IInd Grade, Bhattu Kalan during the pendency of the present writ petition.

The precise grievance raised by learned counsel for the petitioners is that the petitioners assailed the order dated 27.09.2021 by virtue of which, the mode of partition was approved *ex parte*. He submits that the learned Collector though accepted the appeal filed by the petitioners, however he has not given specific finding on the issue raised by learned counsel for the petitioners as there are 02 khewats having different co-sharers and the same cannot be clubbed. He submits that though the learned Collector has remanded the case to the Assistant Collector IInd Grade with a direction to decide afresh but in the absence of any specific direction, the petitioners are still aggrieved.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 4-State.

In view of the above position, the present petition is disposed of with liberty to the petitioners to approach the Assistant Collector IInd Grade, Bhattu Kalan by way of filing the petition and raise

their plea as submitted before this Court. The learned Assistant Collector, IInd Grade, Bhattu Kalan would deal with the same in accordance with law expeditiously preferably within a period of two months from the date of filing of the petition by the petitioners.

(RAJESH BHARDWAJ)
JUDGE

27.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No