

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

CWP-5675-2024

Date of decision : 11.03.2024

Mahabir

.....Petitioner

versus

Assistant Collector 1st Grade, Sirsa and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Lupil Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing respondent No.1 to expedite the partition proceedings application, Annexure P-1, and to decide the same expeditiously, preferably, within some short stipulated period without being influenced by the pendency of Civil Suit, Annexure P-2, filed by respondent No.2, because there is no stay on partition proceedings from any Court of competent jurisdiction and the said civil suit, Annexure P-2, has nothing to do with the partition application rather the same has been filed only to circumvent the process of law and to delay the partition proceedings because the private respondents are in possession of excess, fertile and valuable land. Further prayer has been made for directing respondent No.1 that every co-sharer should be given land of equal value and having similar potential and the land situated on the main road touching Village Abadi-more valuable land-should be allotted among all co-sharers in equal shares being valuable land.

It has been contended by counsel for the petitioner that the partition proceedings are pending since long. He submits that the partition proceedings as on date are pending adjudication before the Assistant Collector 1st Grade, Nathusari Chopta, District Sirsa. He submits that the Assistant Collector 1st Grade be directed to conclude the partition proceedings expeditiously.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the State. Mr. Daljeet Singh Virk, Advocate has put in appearance on behalf of LRs of respondent No.3 and filed memorandum of appearance which is taken on record.

Heard. In view of the submissions made by learned counsel for the parties, the present petition is disposed of with direction to respondent No.1- Assistant Collector 1st Grade, Nathusari Chopta, District Sirsa to expedite the partition proceedings already initiated and conclude the same expeditiously subject to the orders passed by any Superior Court. Learned Assistant Collector 1st Grade, Nathusari Chopta, District Sirsa is free to take into consideration stay order if any passed by any Superior Legal Authority/Court and the above said direction shall be complied with if there is no legal impediment in the present case.

11.03.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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