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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9439-2024

Date of Decision: May 03, 2024

Sukhpal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.A.S.Manaise, Advocate
for the petitioners.

Mr.Navneet Singh, Sr.DAG, Punjab with
Mr.Onkar Singh, Naib Tehsildar, Qadian, Gurdaspur.

Mr.Dheeraj Mahajan, Advocate
for respondents No.3 and 5.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing of impugned partition proceedings regarding land measuring 69 kanals bearing Khewat No.179/172, Khatoni No.565 to 570 as per Jamabandi for the year 2017- 18 situated in Village Rangar Nangal, H.B. No.115, Tehsil Batala, District Gurdaspur vide Partition Application No.136/Partition dated 01.03.2023 including order dated 13.03.2024 and mode of partition dated 13.03.2024 along with subsequent proceedings arising therefrom, the same being wrong, illegal and arbitrary as land measuring 10 kanals 16 marlas acquired/owned by National Highways Authority of India (NHAI) is also being partitioned despite a specific restraint vide order dated 31.10.2023 issued by the Competent Authority for Land Acquisition, Gurdaspur that too without

impleading NHAI as necessary party in the partition application.

Notice of motion.

On asking of the Court, Mr.Navneet Singh, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State, whereas Mr.Dheeraj Mahajan, Advocate, accepts notice on behalf of respondents No.3 and 5.

Learned counsel for the petitioners has reiterated his submissions, as contended earlier. This Court had summoned the concerned Officer, pursuant to which Naib Tehsildar, Qadian, Gurdaspur, is present in Court. On interaction with the Officer he has apprised that partition proceedings are at the initial stage and only mode of partition has been sanctioned so far. He has further apprised that though the objections filed by the petitioners to the mode of partition have been rejected, however, Naksha Bey is yet to be approved and grievances raised by the petitioners before this Court that acquired land is also included in the partition proceedings would be redressed once the Naksha Bey is prepared.

On the other hand learned counsel for the respondents submits that the compensation amount for the land acquired has already been deposited with the District Judge.

In view of the submissions made by learned counsel for the parties, it is apparent that partition proceedings are at the initial stage. Though objections filed by the petitioners have been dismissed, however, they are at liberty to avail their remedy by way of filing an appeal before the Collector, who would proceed with the same in accordance with law. Both the sides would be at liberty to avail their remedies for redressal of their

grievances as and when appropriate stage comes.

Disposed of.

May 03, 2024

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(RAJESH BHARDWAJ)
JUDGE

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