

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

(235)

CWP-14880-2016

Date of Decision: 18.03.2024

Charanjit Singh and others

.....Petitioners

Versus

Assistant Collector First Grade Jalandhar-II and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Yatin Bungar, Advocate, for the petitioners.

Mr. Tribhuwan Singla, Sr. DAG, Punjab.

Mr. Abhay Kumar Sharma, Advocate,
for respondents No.2 and 3.

Ms. Arzoo Modi, Advocate, with
Mr. Mohd. Yousaf, Advocate,
for respondents No.4 and 5.

RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the instant writ petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Cirtiotari for setting aside/quashing the order dated 31.03.2016 (Annexure P-5) passed by the learned Assistant Collector First Grad, Jalandhar-II, being unfair, wrong and perverse against all canons of justice.
2. Learned counsel for the respondents submit that petitioner has impugned the order dated 31.03.2016 (Annexure P-5) which has been passed by the Assistant Collector 1st Grade, Jalandhar-II, against the mode of partition. It has been submitted that the petitioner is already having an alternative remedy by way of filing an appeal against the impugned order before the Collector and thus, the present writ petition is not maintainable.

3. In response, learned counsel for the petitioners prays for withdrawal of the present writ petition with liberty to avail an alternative remedy of filing the appeal against the impugned order before the Collector.

4. In view of the submissions made hereinabove, the present writ petition is dismissed as withdrawn with liberty as aforesaid.

5. It is further being clarified that in case of the issue pertaining to limitation arises, the appellate Court would take into consideration the provisions of Section 14 of the Limitation Act, as the petition remained pending consideration before this Court, since 2016.

(RAJESH BHARDWAJ)
JUDGE

18.03.2024
anil

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