

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22130-2014
Date of decision : 12.02.2024

Bhupinder SinghPetitioner

versus

Naib Tehsildar-cum-Assistant Collector 1st Grade Mukerian, District
Hoshiarpur and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. G.S. Nagra, Advocate and
Mr. K.S. Rawat, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

Mr. K.S. Dadwal, Advocate
for respondents No.2, 4 and 5.

RAJESH BHARDWAJ, J. (Oral)

This petition has been filed praying for quashing the order dated 07.10.2014 (Annexure P-7) passed by respondent No.1 vide which he has rejected the objections filed by the petitioner and approved the mode of partition or for the issuance of any other suitable writ, order or directions which this Court may deem fit and proper under the circumstances of the case.

Learned counsel for respondents No.2, 4 and 5 submits that as per amendment in Punjab Land Revenue Act, the Collector has the jurisdiction to entertain the appeal against the Mode of Partition. However, the petitioner has filed this petition without availing the said remedy. He has submitted that the if the petitioner files an appeal, respondents would have no objection if the same is decided on merits.

In view of the submissions made by counsel for respondents No.2, 4 and 5, it is apparent that in view of the Amendment, the remedy under the Act is available to the petitioner to assail the same by way of filing appeal before the Collector.

It is submitted by counsel for the petitioner that he be allowed to withdraw this petition with liberty to the petitioner to avail remedy of filing the appeal before the Collector.

Allowed as prayed for.

Dismissed as withdrawn with liberty as aforesaid. However, the Collector would take into consideration the period of pendency of this petition before this Court since 2014. While considering the issue of limitation, if the appeal is filed within one month from today, the Collector would decide the same on merits expeditiously as per law after hearing both the sides. *Status quo* would be maintained till the decision of the appeal.

12.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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