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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17274-2018

Date of Decision: April 30, 2024

Banta Singh and another
Versus
State of Punjab and others

.....Petitioners

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vishal Sodhi, Advocate and
Mr.APS Rehan, Advocate
for the petitioners.
Mr.Navneet Singh, Sr.DAG, Punjab.
Mr.Simranjeet Singh Nagra, Advocate
for respondent No.3.
Mr.Rajinder Sharma, Advocate
for respondents No.7 and 8.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for quashing of Clause -3 of the Mode of partition, dated 30.04.2018 (Annexure P-2, approved by respondent No.2/Naib Tehsildar-cum-AC-1, Batala, District Gurdaspur in the petition case No.33/N.T.BTL of 02.12.2016 (Annexure P-1) titled as 'Mohinder Singh vs Surjit Singh etc.' of the village Dhup Sari, Tehsil Batala, District Gurdaspur, to the extent that partition has been ordered to be made by breaking the possession of co-sharers and for quashing the impugned order dated 20.06.2018 (Annexure P-7) whereby the objections to the mode of partition, dated 30.04.2018 (Annexure P-2) have been dismissed by respondent No.2/Naib Tehsildar-cum-AC-1, Batala, District Gurdaspur.

Pursuant to the statement made by learned State counsel on 23.04.2024, learned counsel for the petitioners pray for withdrawal of this petition in view of the alternative remedy available to the petitioners to approach the Collector for redressal of his grievances.

Allowed as prayed for.

Petition is dismissed as withdrawn with liberty aforesaid.

However, it is made clear that if issue regarding limitation arises, then learned Collector would decide the same by considering the period spent by the petitioner before this Court in pursuing this petition as per Section 14 of the Limitation Act.

April 30, 2024
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(RAJESH BHARDWAJ)
JUDGE

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