



CM-17633-CWP-2024 in/and
CWP-4714-2017 (O&M)

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

**CM-17633-CWP-2024 in/and
CWP-4714-2017 (O&M)
Date of Decision: 28.10.2024**

Vidya

....Petitioner

Versus

The Commissioner, Jalandhar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Navjot Kaur, Advocate for
Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Ms. Amandeep Soni, Advocate
for respondents No.4, 5, 10 and 15.

HARSH BUNGER, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing the orders dated 30.10.2014 and 30.08.2016 (Annexures P-2 and P-4 respectively).

2. At the outset, learned counsel appearing on behalf of the petitioner submits that she has no instructions in this matter and despite her best efforts, she has not been able to contact the petitioner.

3. On the other hand, learned counsel appearing for respondents No.4, 5, 10 and 15 submits that the present Writ Petition has been filed by



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the petitioner challenging an order dated 30.10.2014 (Annexure P-2), passed by Assistant Collector, 1st Grade, Kapurthala, whereby the mode of partition was sanctioned and also the subsequent order dated 30.08.2016 (Anenxure P-4), was passed by the learned Commissioner (Appeals), Jalandhar Division, Jalandhar, whereby the revision petition filed by the petitioner against the order dated 30.10.2014 (Annexure P-2) was dismissed as not maintainable. It is further submitted that the only grievance of the petitioner was that as per the Mode of Partition, the land under partition consisted of *Abadi* area as well, whereas as per para 8 of the Writ Petition, the said area is being claimed by the petitioner on the ground that she had raised constructions on the said area by spending her entire savings.

3.1 Learned counsel for respondents no. 4, 5, 10 and 15 points out the Clause No. 2 of the Mode of Partition, which records the area of the *Abadi* Motor shall be given to the owner/co-sharers who owns the said *Abadi* and in fact the area claimed by the petitioner has been allotted to her only and probably for that reason, the petitioner is not forthcoming.

4. Keeping in view the above, the present petition is dismissed for non-prosecution, however, the petitioner would be at liberty to seek revival of the Writ Petition, in case, any of her grievance still subsists.

5. All pending application(s), if any, shall stand closed.

28.10.2024
Himani

(HARSH BUNGER)
JUDGE

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