

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7088-2017
Date of decision: 15.04.2024

Avtar Singh and anotherPetitioners

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepak Verma, Advocate
for the petitioners.

Mr. Rajeev K. Takkar, DAG, Punjab.

Mr. G.S. Sawhney, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 09.09.2013 (Annexure P-6) and subsequent proceedings arises therefrom passed by learned Assistant Collector 2nd Grade-cum-Naib Tehsildar, Mahilpur, District Hoshiarpur, Punjab/respondent No.3 whereby mode of partition was sanctioned without affording any proper opportunity to get the statement of petitioners recorded for proposing the mode of partition or for raising any objection to the proposed MOP and same has been sanctioned wrongly against the settled principles of law. Further prayer has been made for directing the Naib-Tehsildar-cum-Assistant Collector 2nd Grade, Mahilpur for staying the proceedings of partition during the pendency of the present civil writ petition.

At the outset, it has been submitted by counsel for respondent No.5 that petitioner has approached this Court impugning the order of the Assistant Collector whereby the mode of partition was sanctioned. It has

been further submitted that as per the latest Amendment, petitioner has the remedy of filing an appeal against the same.

Learned counsel for the petitioners has not controverted the submission made by learned counsel for respondent No.5 and has stated that he may be allowed to withdraw the present petition with liberty to the petitioners to avail their remedy as per amendment of Punjab Land Revenue Act.

In view of the above submissions, without going into the merits of the case, petitioners are allowed to withdraw this petition with liberty to avail remedy of filing the appeal before the Collector in view of the latest Amendment in Punjab Land Revenue Act. In case the appeal is filed by the petitioner within a period of two weeks from the date of receipt of certified copy of the order, the Collector concerned is directed to decide the same expeditiously preferably, within three months from the date of its filing. As the present petition has remained pending in this Court since 2017, the Collector will decide the issue of limitation by taking into consideration Section 14 of the Limitation Act. The *status quo* as on date would remain in force till the decision of appeal.

15.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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