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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-21843-2024
Date of Decision: 02.09.2024

Harbansh Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ravinder Singh, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to quash the grounds of Appeal bearing No.145/Appeal Badli dated 14.03.2023 (Annexure P-1) titled as “*Prem Singh and others Vs. Harbansh Singh and others*”, pending before the Court of learned Collector/Sub Divisional Officer (Civil), Badli, Tehsil Badli, District Jhajjar.

2. Briefly, the petitioner filed an application under Section 111 of the Punjab Land Revenue Act, 1987 against respondent No.4 (Prem Singh) and others, seeking partition of joint agricultural land situated within the Revenue Estate of Village Dujana, Tehsil Beri, District Jhajjar. The said partition application is stated to have been decided on 24.12.2021, when *sanad takseem*/instrument of partition (Annexure P-3) was also prepared.

2.1 Petitioner states that the revision petition (ROR No.233 of 2022) filed by respondent No.4 (Prem Singh) and others, challenging

partition proceedings/*sanad takseem*, was dismissed by the learned Financial Commissioner, Haryana vide order dated 04.07.2022 (Annexure P-2).

2.2 It appears that respondent No.4 (Prem Singh) and others have filed an appeal before the learned Collector, Badli.

2.3 Petitioner claims that he has served legal notice dated 29.07.2024 (Annexure P-12) upon the Deputy Collector, Jhajjar and Sub Divisional Officer (Civil)-cum-Collector, Badli, to revoke the proceedings in Appeal bearing No.145/Appeal/Badli dated 14.03.2023 (Annexure P-1), however, of no avail. Accordingly, it is prayed that the grounds of appeal bearing No.145/Appeal/Badli dated 14.03.2023 (Annexure P-1), pending before the Court of Collector/Sub Divisional Officer (Civil), Badli, titled as ***“Prem Singh and others Vs. Harbansh Singh and others”***, be quashed.

3. I have heard learned counsel for the petitioner and gone through the paper book with his able assistance.

4. It appears that the partition proceedings, in respect of the agricultural land, initiated by the petitioner were decided by the concerned Revenue Authorities by drawing instrument of partition. The revision petition bearing ROR No.233 of 2022 filed by respondent No.4 (Prem Singh) and others was dismissed by the learned Financial Commissioner, Haryana vide order dated 04.07.2022 (Annexure P-2). It transpires that an Appeal bearing No.145/Appeal/Badli (Annexure P-1) has also been filed by respondent No.4 (Prem Singh) and others, wherein present petitioner has been impleaded as a party (respondent No.1). Petitioner claims that the said appeal is not maintainable in view of the fact that the revision petition (ROR No.233 of 2022) filed by respondent No.4 (Prem Singh) and others, already stands dismissed.

5. At a pointed query raised by this Court to learned counsel for

the petitioner that as to whether any formal application has been filed by petitioner before the Court of Collector/Sub Divisional Officer, (Civil), Badli, seeking dismissal of the appeal (Annexure P-1); the only answer forthcoming is that the petitioner has only served a legal notice dated 29.07.2024 (Annexure P-12) upon the Deputy Collector, Jhajjar and Sub Divisional Officer (Civil)-cum-Collector, Badli, to revoke the proceedings in Appeal bearing No.145/Appeal/Badli (Annexure P-1).

6. In my considered view, in case the petitioner is aggrieved by the filing/pendency of an appeal before the learned Collector, by some of the co-sharers; which according to him, is not maintainable, then in that eventuality, the petitioner should have filed a formal application seeking dismissal of the said appeal. However, no such course appears to have been adopted by the petitioner; rather, the present writ petition has been filed by him before this Court.

7. Keeping in view the aforesaid facts and circumstances, the present writ petition is dismissed, however, leaving it open to the petitioner to move an appropriate application before the concerned Court, seeking dismissal of the appeal by indicating the grounds therein on which, the said dismissal is to be sought.

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

02.09.2024*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No