

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22211-2024 (O/M)

Date of decision : 04.09.2024

Resham Singh and others

..... Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Karanjit Singh, Advocate
for the petitioners.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature certiorari for quashing the order dated 10.04.2024 (Annexure P-3), passed by learned Financial Commissioner (Appeals), Punjab, and for upholding the order dated 12.07.2022 (Annexure P-1), passed by Tehsildar-cum-Assistant Collector 1st Grade, Dharamkot, District Moga and order dated 16.09.2022 (Annexure P-2), vide which Sanad Takseem (Instrument of Partition) has been issued by learned Assistant Collector 1st Grade, Dharmkot, District Moga.

2. Learned counsel for petitioner submits that the learned Financial Commissioner (Appeals), Punjab, vide order dated 10.04.2024 (Annexure P-3), allowed the revision petition filed by respondents No. 3 to 5 herein and set aside partition proceedings/orders including Sanad Takseem (Instrument of Partition) and has further remanded the case to Tehsildar-cum-Assistant Collector 1st Grade, Dharamkot, District Moga (respondent No. 2 herein) for afresh decision.

2.1 It is submitted that partition proceedings have been pending since 2018 and the petitioner would be satisfied if Tehsildar-cum-Assistant Collector 1st Grade, Dharamkot, District Moga (respondent No. 2 herein) is directed to decide the aforesaid partition case afresh in terms of order passed by learned Financial Commissioner (Appeals), Punjab, in a time bound manner.

3. In view of aforementioned facts and circumstances, the Tehsildar-cum-Assistant Collector 1st Grade, Dharamkot, District Moga (respondent No. 2 herein) is directed to decide the partition case afresh in terms of order passed by learned Financial Commissioner (Appeals), Punjab, within a period of one year from the next date of hearing fixed before him, subject to any legal impediment or stay granted by any higher authority/Court.

4. The instant civil writ petition is disposed of accordingly.

5. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

04.09.2024
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No