

2024:PHHC:120843



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

CWP-23411-2024

Date of Decision: 13.09.2024

Kamal Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Babbar Bhan, Advocate
for the petitioners.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of Certiorari for setting aside impugned order dated 19.06.2024 (Annexure P-5) passed by the learned Financial Commissioner, Haryana.

2. Learned counsel for the petitioners, at the outset, submits that the learned Financial Commissioner, Haryana, vide its order dated 19.06.2024 (Annexure P-5), had remanded the partition matter to the learned Assistant Collector, Charkhi Dadri, to consider the alternate partition plan submitted by respondents No.5 and 6 herein as regards the Land Parcel No.2, comprising of Killa numbers in Rectangle Nos.111, 112, 124 and 128.

3. Operative part of impugned order dated 19.06.2024

(Annexure P-5) would read as under:-

“3. On being asked, the Counsel for the Petitioners has submitted an alternate partition plan. Without commenting on the merits of the alternate partition plan submitted by the Ld. Counsel for the Petitioners, the case is remanded to the Assistant Collector, Charkhi Dadri with the following directions. The Assistant Collector shall visit the spot and in case he concludes that there is merit in the alternate partition plan, a fresh Naksha ‘Kh’ with respect to the Land Parcel no. 2 will be drawn and the partition proceedings shall be concluded within two months thereafter. However, the area allotted to the daughters of Chandgi Ram in sub-khewat no. 6 of the impugned Sanad Takseem will not be altered. But, if the Assistant Collector arrives at the conclusion that the alternate partition plan is not a better alternative to the existing partition, he shall pass a speaking order and the Petitioners will be at liberty to approach the Financial Commissioner within 30 days of the rejection by the Assistant Collector.”

4. Learned counsel for the petitioners submits that he has no objection if the matter is re-considered by the learned Assistant Collector, Charkhi Dadri, as regards the Land Parcel No.2, however, he prays that a time bound direction may be given to the learned Assistant Collector, Charkhi Dadri for disposal of the remand case; and the petitioners may be permitted to raise objections with regard to the alternate partition plan submitted by respondents No.5 and 6 herein.

5. At this stage, Ms. Upasana Dhawan, Assistant Advocate General, Haryana appears on behalf of the respondents-State, in pursuance of the advance copy of paper book having already been supplied to her, and does not raise any serious dispute to the aforesaid course of action.

6. Heard.

7. Keeping in view the aforesaid submissions made by learned

counsel for the parties and considering the prayers made by learned counsel for the petitioners to be justified, the present writ petition is disposed of with a direction to the Assistant Collector, Charkhi Dadri to decide the remand case, in pursuance of order dated 19.06.2024 (Annexure P-5) passed by the learned Financial Commissioner, Haryana, in respect of Land Parcel No.2, within a period of six months from today.

7.1 Further, as the matter has been remanded by the learned Financial Commissioner, Haryana with a clear direction to the Assistant Collector, Charkhi Dadri, to look into the merits of the alternate partition plan submitted by respondents No.5 and 6 herein; the present petitioners would be well within their rights to submit their objections to the proposed alternate partition plan, and the same shall be duly considered by the Assistant Collector, Charkhi Dadri, while rendering final decision in pursuance of the remand order dated 19.06.2024 (Annexure P-5).

8. The present writ petition is accordingly disposed of in the aforesaid terms.

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

13.09.2024*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No