

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

**CWP-33574-2019
Decided on: 08.02.2024**

Charanjit Singh

..... Petitioner

Versus

Financial Commissioner (Revenue) and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashish Soi, Advocate, for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr.Dheeraj Mahajan, Advocate
for respondent No.5.

Mr.A.S. Manaise, Advocate,
respondent No.6.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing the order of partition of the suit property, order of 'Sanad Taksim' and consequent orders dated 20.03.2013, 09.02.2018, 24.07.2019 and 15.01.2019 (Annexure P-1, P-3, P-4 and P-5) passed by the revenue authorities as the same are absolutely incorrect. The petitioner has been proceeded *ex parte* against the principles natural justice, and the orders are against the cardinal principle of partition that good land and bad land shall be equally given to both the parties and appropriate access to passage must be given. Further prayer has been made to direct the Assistant Collector, Batala to re-frame the memo of partition afresh in accordance with the rule and law keeping in view the principles of natural justice, equal division of valuable land, road front, irrigation, path and passages in between the co-sharers.

Learned counsel for the petitioner has submitted that the petitioner has challenged the impugned orders being against the principles

of natural justice. However, learned counsel for respondent No.5 has opposed the submissions made and has submitted that the present petition is not maintainable as after the issuance of *Sanad Takseem* even warrants of possession were executed and entries were incorporated in the revenue record. He has submitted that after the issuance of *Sanad Takseem*, the remedy available to the petitioner was to file petition under Section 16 of the Punjab Land Revenue Act before the learned Financial Commissioner. He has submitted that the petitioner has approached this Court against the interim order.

However, learned counsel for the petitioner has submitted the revision petition filed by the petitioner before the Commissioner was dismissed vide order dated 24.07.2019 in view of the order dated 15.01.2019 passed by the learned Financial Commissioner.

After hearing learned counsel for the parties and perusing the record, it is apparent that after the issuance of the *Sanad Takseem*, remedy available to the petitioner is to file revision petition before the learned Financial Commissioner Revenue, but the same has not been availed by him. Thus, this Court finds the petition not maintainable. Hence, the present petition is disposed of with liberty to the petitioner to avail the remedy as available to him under the law. If the petitioner files any such petition within a period of two weeks from the date of receipt of certified copy of this order before the learned Financial Commissioner, the same would be decided by the learned Financial Commissioner after hearing both the sides expeditiously preferably within three months from the date of its filing in accordance with law.

It is apparent that while issuing notice of motion, this Court granted status quo regarding the title and possession of the property on

19.11.2019 and thus, the same would continue till the decision of the revision petition to be filed by the petitioner before the learned Financial Commissioner. It is made clear that in case no revision petition is filed before the learned Financial Commissioner within two weeks as stated above, this order would be of no avail to the petitioner.

Disposed of in the above-said terms.

08.02.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No