

143 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32899-2024 (O/M)
Date of decision : 05.12.2024

Rupinder Kaur and another Petitioner(s)

Versus

Financial Commissioner, Punjab (Revenue) and others Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. G.S. Punia, Senior Advocate with
Ms. Manleen Kaur, Advocate
for the petitioners.

Ms. Jasleen Kaur Sandhu, DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioners (Rupinder Kaur and another) have filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for quashing the order dated 19.03.2021 (Annexure P-1), passed by learned Assistant Collector 1st Grade, Sadik, whereby the land in question has been partitioned.

2. Briefly, respondents No. 4 to 6 filed an application for partition of land measuring 102 kanal 11 marla, comprised in Khewat No. 262, situate at village Bhilewala, Tehsil and District Faridkot.

2.1 It transpires that in the said partition proceedings, present petitioners were impleaded as party respondents No. 20 and 21 and the notices were issued to respective co-sharers including the present petitioners. It appears that the service upon co-sharers in the partition

application was not effected through ordinary process or by registered post, accordingly, vide order dated 22.09.2020, learned Assistant Collector ordered service upon respondents in partition application (including the petitioners) through mustari munadi (proclamation). After the mustari munadi was effected in the village, a report No. 50 dated 07.10.2020 was submitted before learned Assistant Collector and after considering the same, respondents in the partition application (including petitioners) were proceeded against ex-parte, vide order dated 23.10.2020 and thereafter, the partition proceedings came to be finalized.

2.2 Apparently, the petitioners have already challenged the partition proceedings/order dated 19.03.2021 (Annexure P-1) by filing a revision petition (ROR-1182-2022) before learned Financial Commissioner, Punjab (in short 'Financial Commissioner'), which is stated to be pending. Now, the petitioners have preferred the instant civil writ petition before this Court, seeking a writ in the nature of certiorari for quashing the order dated 19.03.2021 (Annexure P-1), against which a revision petition (ROR-1182-2022) is already pending.

2.3 The only reasoning forthcoming for filing the instant civil writ petition is that the proceedings for delivery of possession are being carried out by the revenue authorities and the efforts are being made to dis-possess the petitioners from the land in question.

3. Heard.

4. Since the petitioners have already challenged the partition proceedings/order dated 19.03.2021 (Annexure P-1) by availing their

remedy of revision petition (ROR-1182-2022) before learned Financial Commissioner, which is stated to be pending, I find no reason to entertain the instant civil writ petition as the petitioners have failed to disclose the proceedings carried out before learned Financial Commissioner till date. In case, the petitioners are apprehending wrongful dis-possession from their alleged possession, then they are well within their rights to approach learned Financial Commissioner with an appropriate prayer where their revision petition (ROR-1182-2022) is stated to be pending.

5. In the aforementioned circumstances, the instant civil writ petition is dismissed, however, leaving it open to the petitioners to avail their remedies before learned Financial Commissioner in their Revision Petition (ROR-1182-2022), which is stated to be pending.

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

(HARSH BUNGER)
JUDGE

05.12.2024
sjks

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