

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1050-2025 (O/M)

Date of decision : 07.02.2025

Suraj Bhan and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ravi Malik, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG Haryana.

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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 of certiorari for setting aside the impugned order dated 07.10.2024 (Annexure P-11), passed by learned Financial Commissioner, Haryana, whereby the revision petition (ROR No. 01 of 2023), filed by the petitioners, challenging the partition proceedings/orders, has been dismissed.

2. After arguing for some time, learned counsel for petitioners submits that he may be permitted to withdraw the present writ petition, however, he submits that since the crops of the petitioners are standing on the land in question, they may be granted time upto 30.04.2025 to harvest their crops and thereafter, they shall hand over the peaceful and vacant possession of the land in question to its rightful allottee(s) in the partition proceedings and/or to the concerned officer(s) executing the Sanad Takseem.

3. Mr. Shreenath Khemka, Advocate appears on behalf of respondents No. 6 and 7 and does not raise any serious dispute to the said course of action being adopted. He informs the Court that the petitioners have also preferred a civil suit (CS-23 of 2025), challenging the partition proceedings, however, no stay has been granted therein and the said fact has been concealed by the petitioners while filing the present writ petition.

4. At this stage, learned counsel for petitioners submits that the petitioners shall withdraw the said civil suit by filing an appropriate application within two weeks from today.

5. Keeping in view the aforesaid submissions made by learned counsel for respective parties, the present writ petition is ordered to be dismissed as withdrawn, however, sanad takseem (instrument of partition) shall be executed after 30.04.2025, the date on which the petitioners shall hand over the peaceful and vacant possession of the land in question to its rightful allottee(s) in the partition proceedings and/or to the concerned officer(s) executing the Sanad Takseem.

6. In case, the petitioners fail to hand over the peaceful and vacant possession of the land in question to its rightful allottee(s) in the partition proceedings and/or to the concerned officer(s) executing the Sanad Takseem on 30.04.2025, the authorities shall be at liberty to take possession from the petitioners in accordance with law including taking recourse to police help.

7. The writ petition stands disposed of in aforesaid terms.

8. Pending applications(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

07.02.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No