

2025:PHHC:065717



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

**CWP-12538-2025
Date of Decision: 14.05.2025**

Dilbag Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. Sherry K.Singla, Advocate
for respondent No.5 along with
Mr.Malkit Singh @ Malkiat Singh (respondent No.5-in-person).

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 19.08.2021 (Annexure P-4) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh, whereby petitioners have been proceeded against *ex parte* in the partition proceedings.

1.1 A further prayer has been made for setting aside orders dated 26.04.2022 (Annexure P-6), 17.01.2023 (Annexure P-7) and 24.05.2023 (Annexure P-9) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh; order dated 20.04.2023 (Annexure P-8) passed by the learned Collector, Sub Division Bhawanigarh; and orders dated 13.05.2024 (Annexure P-10) and 17.03.2025 (Annexure P-13) passed by the learned

Financial Commissioner, Punjab.

1.2 Another prayer has been made for directing the Assistant Collector, 1st Grade (Tehsildar), Bhawanigarh (respondent No.4) to decide the partition application dated 02.03.2021 (Annexure P-1) afresh.

2. Learned counsel for the petitioners, *inter alia*, submits that the petitioners were wrongly proceeded against *ex parte* by the learned Assistant Collector, 1st Grade, Bhawanigarh, vide order dated 19.08.2021 (Annexure P-4), by relying upon the summons, despite the fact that there is no order available on the file of Assistant Collector, whereby any notice was issued to the co-sharers of the land under partition.

3. Learned State counsel upon inspection of the record pertaining to the partition proceedings before the Assistant Collector, 1st Grade, Bhawanigarh, very fairly submits that in fact, there is no order of the Assistant Collector, Ist Grade, Bhawanigarh, whereby notice was ever issued to the parties in partition application.

4. Faced with this situation, learned counsel for respondent No.5, on instructions from Mr. Malkit Singh @ Malkiat Singh (respondent No.5), who is present in Court, submits that respondent No.5 would have no objection in case the present partition proceedings are set aside and the matter is remanded to the Assistant Collector, 1st Grade, Bhawanigarh, for carrying out the fresh partition proceedings, however, it is submitted that since the matter is pending since 2021, accordingly, time bound directions may be issued to the learned Assistant Collector to conclude the partition proceedings.

5. Learned counsel for the petitioner as well as learned State counsel do not raise any objection to the aforesaid course being adopted.

6. Keeping in view the broad consensus arrived at between the

parties, order dated 19.08.2021 (Annexure P-4) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh as well as orders dated 26.04.2022 (Annexure P-6), 17.01.2023 (Annexure P-7) and 24.05.2023 (Annexure P-9) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh; order dated 20.04.2023 (Annexure P-8) passed by the learned Collector, Sub Division Bhawanigarh; and orders dated 13.05.2024 (Annexure P-10) and 17.03.2025 (Annexure P-13) passed by the learned Financial Commissioner, Punjab; are set aside and the matter is remanded to the Assistant Collector, 1st Grade, Bhawanigarh, for carrying out fresh partition proceedings in terms of partition application dated 02.03.2021 (Annexure P-1), after affording due opportunity of hearing to all the concerned parties.

6.1 Since the matter is pending since 2021, the Assistant Collector, 1st Grade, Bhawanigarh is directed to make earnest endeavour to conclude the partition proceedings expeditiously and preferably within a period of six months from the date of appearance of the parties before him, however, the said direction would be subject to any legal impediment and/or any orders passed by the higher authorities, in respect of the proceedings in question.

6.2 The parties are directed to appear either personally or through their respective counsel(s) before the learned Assistant Collector, 1st Grade, Bhawanigarh on 26.05.2025.

7. The instant writ petition is disposed of in the aforesaid terms.

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

14.05.2025
Apurva

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |