

2025:PHHC:103695



119

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

**CWP-22571-2025
Date of Decision: 08.08.2025**

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.

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) and 17.01.2023 (Annexure P-7) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh; order dated 19.12.2023 (Annexure P-8) passed by the learned Assistant Collector-cum-Naib Tehsildar, Bhawanigarh; orders dated 13.05.2024 (Annexure P-9) and 17.03.2025 (Annexure P-10) 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 partition proceedings in this case were initiated by respondent No.5- Malkit Singh @ Malkiat Singh against Basant Singh and others. It is submitted that Basant Singh (father of present petitioners) is the real paternal uncle of Malkit Singh (respondent No.5) and he participated in the last rites of Sh. Basant Singh (expired on 25.06.2021), even then he did not implead petitioners as legal representatives of deceased Basant Singh and Basant Singh was wrongly proceeded against *ex parte* by the learned Assistant Collector, 1st Grade, Bhawanigarh, vide order dated 19.08.2021 (Annexure P-4).

3. Faced with this situation, learned counsel for respondent No.5 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.

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

5. 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) and 17.01.2023 (Annexure P-7) passed by the learned Assistant Collector, 1st Grade, Bhawanigarh; order dated 19.12.2023

(Annexure P-8) passed by the learned Assistant Collector-cum-Naib Tehsildar, Bhawanigarh; orders dated 13.05.2024 (Annexure P-9) and 17.03.2025 (Annexure P-10) 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.

5.1 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.

5.2 The parties are directed to appear either personally or through their respective counsel(s) before the learned Assistant Collector, 1st Grade, Bhawanigarh on 08.09.2025 or any other date, which may be fixed by learned Assistant Collector 1st Grade, Bhawanigarh.

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

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

08.08.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No