

(2013) 07 P&H CK 0666
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 14340 of 2013

Bhupinder Singh	Vs	APPELLANT
Financial Commissioner (Revenue), Punjab and Others		RESPONDENT

Date of Decision : 09-07-2013

Acts Referred:

Punjab Land Revenue Act, 1887 — Section 111

Citation : (2013) 07 P&H CK 0666

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : R.S. Chauhan, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—This petition has been filed to challenge the orders passed by the Collector dated 24.07.2007, Commissioner dated 28.01.2009 and the Financial Commissioner dated 20.11.2012 and to uphold the order of the Assistant Collector 1st Grade dated 28.11.2006 passed in a petition filed u/s 111 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the "Act") seeking partition of the joint holdings. An application for partition for land measuring 147 Kanals 15 Marlas, situated in village Dhadde, Tehsil Rampura Phul, was filed in January 1998. The Assistant Collector 1st Grade approved the Naksha Be on 27.07.1999, against which the appeal was accepted by the Collector and the matter was remanded back to the Assistant Collector 1st Grade on 24.07.2000. The Assistant Collector 1st Grade, however, adjourned the partition proceedings sine die vide order dated 13.12.2001 on the ground that the order of the Collector dated 24.07.2000 has been stayed by the Commissioner, Ferozepur Division. The proceedings were again initiated on 26.04.2006 on the basis of an application filed by Amar Singh, but the Assistant Collector 1st Grade, vide his order dated 28.11.2006, adjourned the case sine die till the decision of the High Court in CWP No. 16136 of 2006. The order dated 28.11.2006 was set aside in appeal by the Collector and the partition

proceedings were ordered to be carried on and the stay order of the Collector has been maintained till the Financial Commissioner.

2. Counsel for the petitioner has submitted that the question of title is involved in this case because RSA No. 3381 of 2005 was pending in the High Court and the alienation of the land has been stayed therein. Therefore, the Assistant Collector 1st Grade has rightly refused to proceed with the partition.

3. The Financial Commissioner has recorded in his order that the Assistant Collector 1st Grade had adjourned the partition proceedings sine die on the ground that CWP No. 16136 of 2006 was pending but the said petition has since been disposed of and it has been held therein that the mutation in favour of the respondents would be subject to the outcome of RSA No. 3381 of 2005, which has been filed by the petitioners, and has been only admitted without any stay. Thus, there is no question of title involved in this case and as the Assistant Collector 1st Grade has adjourned the proceedings sine die due to pendency of CWP No. 16136 of 2006, the proceedings of partition are required to be carried on because the said writ petition has already been disposed of.

As a matter of fact, counsel for the petitioner has failed to demolish the findings recorded by the Financial Commissioner. Thus, concurring with the reasoning recorded by the learned Courts below, I do not find any merit in the present writ petition for the purpose of any interference.

Dismissed.