
(2005) 12 P&H CK 0098
In the Punjab And Haryana At Chandigarh
Case No : FOR No. 105 of 2003

Lachhman Singh and others

APPELLANT

Vs

Babu Singh and others

RESPONDENT

Date of Decision : 15-12-2005

Acts Referred:

Citation : (2007) 1 RCR(Civil) 320

Hon'ble Judges : B.K.Srivastava, F.C.

Advocate : Sh. S.K. Jain, Advocate, Sh. R.S. Chauhan, Advocate., Advocates for appearing Parties

Judgement

B.K. Srivastava, F.C.

1. The respondent, Babu Singh applied for partition of land measuring 195 kanals 8 marlas and 2 kanals 16 marlas situated in Mansa Kalan, Tehsil Mansa. Vide order dated 31.5.1999 the Assistant Collector Grade1, Mansa approved the partition (Naksha `Be") which was objected by the present respondent on the ground that he was not allotted proportionate share of valuable land abutting Khokhar Road and that this was in violation of the Mode of Partition which stipulated qualitywise partition. The objection was rejected. He preferred appeal before the Collector who held that the partition was done in violation of the Mode of Partition and that the present respondent (then appellant) was given less land on the Khokhar Road. Vide order dated 7.2.2000 the Collector directed the Assistant Collector Grade1 to allot to him proportionate share on the road. The present petitioner did not prefer appeal against this order and it thus became final. Acting upon this remand order, the Assistant Collector Grade1 passed a fresh Naksha `Be" vide order dated 28.7.2000 by providing proportionate share on the road to the present respondent. The present petitioner filed appeal against this order which was dismissed by the Collector vide order dated 6.8.2001. His revision petition was also dismissed by the Divisional Commissioner, Faridkot vide impugned order dated 20.11.2002.

2. It is very clear that as per the Collector's remand order dated 7.2.2000,

proportionate share of land abutting road was to be given to the present respondent. As no appeal had been preferred by the present petitioner against this remand order, the order passed by the Assistant Collector in compliance of this remand order could not be challenged.

3. One of the arguments of the petitioner is that the Mode of Partition stipulated qualitywise petition and that the land abutting road does not acquire status of a superior quality land. This contention is wrong. Quality of land cannot be confined to the traditional kinds i.e. irrigated, unirrigated, banjar etc. These days most lands in Punjab are irrigated and earlier distinction of irrigated, unirrigated and Banjar have become less relevant. The main relevant factors these days adding to quality or value of land are abutment on road or nearness to urban areas. The revision petition is dismissed.

Announced.