



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

CWP-25751-2025 (O&M)
Date of decision :11.12.2025

LOVEDEEP SINGH

...Petitioner

Versus

THE FINANCIAL COMMISSIONER (APPEALS),
PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Navneet Singh, Addl. A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the impugned orders dated 26.04.2016 (Annexure P-1); final instrument of partition (*Sanad Takseem*) dated 31.05.2016 (Annexure P-2) and order dated 22.10.2024 (Annexure P-3) passed by the learned Financial Commissioner (Appeals) Punjab.

2. Briefly, in the year 2008, respondents No.2 to 7 filed an application seeking partition of joint land, measuring 85 *kanal-5 marla*, comprised in *khewat No.855* (as per Jamabandi for the year 2003-04), situated at Village Aggampur, Tehsil Anandpur Sahib, District Rupnagar. In the said partition application, the present petitioner (Lovedeep Singh)

was impleaded as a party through his father Raj Kumar (being legal heir of one Sh. Karam Singh on the basis of a Will).

2.1 It appears that in the said partition proceedings, the present petitioner along with other legal heirs of Sh. Karam Singh, were proceeded against *ex-parte* and the final order of partition dated 26.04.2016 (Annexure P-1) came to be passed. Thereafter, a *sanad takseem* dated 31.05.2016 (Annexure P-2) came to be issued.

2.2 It transpires that the present petitioner-Lovedeep Singh challenged the final order of partition dated 26.04.2016 (Annexure P-1) as well as *sanad takseem* dated 31.05.2016 (Annexure P-2), by filing a revision petition (**ROR-749-2024**) before the learned Financial Commissioner (Appeals), Punjab; however, the same has been dismissed vide impugned order dated 22.10.2024 (Annexure P-3).

2.3 In the afore-mentioned circumstances, the present writ petition has been filed by the petitioner before this Court, seeking relief, as noticed here-in-above.

3. Learned counsel for the petitioner submits that at the time when the order dated 26.04.2016 (Annexure P-1) came to be passed, the petitioner was a minor and he attained the age of majority on 26.11.2018 and on 12.06.2024, when respondents No.2 to 7 tried to take physical possession of the land in question, at that stage, the petitioner learnt about the partition proceedings/*sanad takseem* and thereafter, he filed a revision petition, which has been dismissed vide impugned order dated 22.10.2024 (Annexure P-3).

3.1 It is contended that the petitioner was wrongly proceeded against *ex-parte* by the learned Assistant Collector Ist Grade, Anandpur Sahib without following the procedure as envisaged under Section 20 of the

Punjab Land Revenue Act, 1887 (for short 'the 1887 Act'). It is further contended that the possession of the petitioner has been disturbed, which is against the mode of partition. It is still further contended that *khasra No.59//1* is recorded as *banjar kadim* and therefore, the revenue authorities have no jurisdiction to partition the said area. On the basis of afore-said assertions, prayer has been made for setting aside of the impugned orders.

4. Heard.

5. I have considered the afore-said contentions raised on behalf of the petitioner and perused the paper-book.

5.1 As regards the submission that the petitioner was wrongly proceeded against *ex-parte* without following the procedure under Section 20 of the 1887 Act; it is observed that the petitioner has not attached the *zimini* orders passed by the learned Assistant Collector in the partition proceedings. In the absence of the *zimini* orders, it is not possible for this Court to appreciate the afore-said contention raised on behalf of the petitioner. In such eventuality, this Court has no other option but to rely upon the observations made by the learned Assistant Collector in the final order of partition dated 26.04.2016 (Annexure P-1) wherein, it has been recorded that after the remand, notices regarding service upon the respondent party (including the legal heirs of Karam Singh namely, Yogesh Kumar, Ghanshyam, Lovedeep through his father Raj Kumar, Akhil, Kartik through their uncle Yog Raj) were issued, which were noted by father of Yogesh Kumar and thereafter, even proclamation was carried out in the village; however, since they did not appear in the Court, accordingly, they were proceeded against *ex-parte* . In view of the above, the plea of the petitioner that they were not served in accordance with Section 20 of the 1887 Act, is hereby, rejected.

5.2 As regards the plea of the petitioner that his possession has been disturbed, *suffice* it to say that the learned counsel for the petitioner has failed to point out from the paper-book as to from which, specific *khasra nos.* or area, the possession of the petitioner has been disturbed; accordingly, the said plea is also rejected.

5.3 As regards the plea of the petitioner that *khasra No.59//1* is recorded as *banjar kadim* and therefore, the revenue authorities have no jurisdiction to partition the said area; it is observed that the petitioner has not attached any revenue record/jamabandi with the writ petition nor any such document has been shown to the Court today in respect of *khasra No.59//1* and in the absence of the same, the afore-said contention of the petitioner cannot be appreciated. Even otherwise, the land recorded as '*banjar kadim*' reflects that the said land has not been cultivated for eight harvests and it cannot be said that the area recorded as *banjar kadim* is outside the purview of partition proceedings before the revenue authorities. Accordingly, the said contention of the petitioner is also rejected.

5.4 Furthermore, learned counsel for the petitioner has failed to refer to any document like warrants of possession etc. to indicate that the petitioner learnt about the partition proceedings only on 12.06.2024 when respondents No.2 to 7 came to take physical possession of the land under partition. It has also not been shown that the *sanad takseem* has not been implemented in the revenue records. Be that as it may, even if the petitioner was a minor at the time when final order of partition was passed and he attained the age of majority on 26.11.2018, then the petitioner could have availed his remedy against final order of partition/*sanad takseem* within a period of three years from the date of attaining majority, although subject to condition that the petitioner was not served as per law. Concededly, the

petitioner challenged the partition proceedings/*sanad takseem* by filing the revision petition (**ROR-749-2024**) on 08.08.2024, which suffers from gross delay and latches. The learned Financial Commissioner, has rejected the revision petition filed by the petitioner on the ground of delay by observing as under :-

“4. I have heard the Ld. Counsel for the petitioner and have also considered the documents and evidence produced by him in support of his case. In this case, it has been alleged that the ex-parte partition has been obtained without following due process of service and further that the maps, the order dated 26.04.2016 as well as the final Sanad Takseem are not sustainable in the eyes of law. However, a perusal of the lower court record shows that the petitioner was duly impleaded as legal heir of Karam Singh (deceased) vide an application moved by the Respondent No.8. Thereafter, the petitioner as well as the impleaded heirs did not appear despite their service. Further, the submission made by the counsel for the petitioner regarding the fact that some of the land Banjer Kadim is not to be appreciated at this stage after a lapse of more than 8 years from the issuance of Sanad Takseem and therefore at this stage the order dated 26.04.2016 as well as the Sanad Takseem cannot be kept in abeyance as prayed for by the Ld. Counsel for the petitioner. Moreover, there is a great delay of more than 2923 in filing the present case which has not been duly explained by the Ld. Counsel for the Petitioner. As per law delay of each and every day has to be explained. But in the present case, no sufficient cause is shown by the petitioner for such an inordinate delay. It is a settled position of law that if a litigant sleeps over his rights, the courts are well within power to decline interference. Therefore, I

do find any reason to interfere with the impugned orders at this stage.”

- 6. No other point has been urged.
- 7. Keeping in view the above discussion, I find no merit in this petition and the same is, accordingly, dismissed.
- 8. All pending applications (if any) shall also stand closed.

December 11, 2025	(HARSH BUNGER)
gurpreet	JUDGE
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No