2026:PHHC:088944



**[226] IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP-30739-2018 (O&M)
Date of Decision : 01.07.2026

Kashmir Singh (since deceased through LRs) …Petitioners

**versus**

Divisional Commissioner, Rohtak Division,
Rohtak and others ….Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Deepak Girotra, Advocate for the petitioners.

Mr. Abhimanyu Antil, DAG, Haryana.

Mr. Shobit Phutela, Advocate for respondent Nos.3 & 4.

Mr. Ashish Khatkar, Advocate for Mr. Dinesh Arora, Advocate for respondent Nos.5 to 7.

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**PANKAJ JAIN, J. (ORAL)**

[1] The present writ petition has been directed against Orders dated 14.03.2018 (Annexures P-5 & P-6) whereby *Sanad Taksim* and *Naksha 'Ga'* has been ordered by respondent No.2-Assistant Collector, Ist Class-cum-Tehsildar, Tehsil Kalanaur, District Rohtak and against order dated 11.07.2018 (Annexure P-8) whereby the appeal preferred by the petitioners before respondent No.1, has been dismissed.

[2] The present writ petition has arisen out of partition proceedings initiated by the private respondents. Father of the present petitioner, namely Kashmir Singh son of Sher Singh, being one of the co-sharers was arraigned as respondent No.5. Kashmir Singh appeared and contested the partition proceedings. He unfortunately died on 13.07.2016.

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[3] The factum of death of Kashmir Singh was not brought to the notice of the revenue Courts. The partition proceedings culminated in order dated 14.03.2018. The petitioners preferred appeal.

[4] The same stands dismissed vide impugned order Annexure P-8 observing that the partition proceedings were initiated while Kashmir Singh was alive. Kashmir Singh participated in the proceedings. Thus it was duty of his LRs to present themselves before the proceedings. Having failed to do so, they cannot be allowed to seek annulment of the partition proceedings at this stage.

[5] Counsel for the petitioners has assailed the order passed by the authorities. He submits that the petitioners are LRs of deceased-Kashmir Singh. Though, Kashmir Singh participated in the proceedings but the petitioners were not in the knowledge of the same. No effort was made by the partition applicant to implead LRs of Kashmir Singh. Even the fact of death of Kashmir Singh was not brought to the notice of the Court even though the applicant is the real brother of Kashmir Singh. He further submits that prejudice has been caused to the petitioners as the more valuable land abutting the main road has fallen to the share of the partition applicant and the Assistant Collector has partitioned the land without evaluating the same.

[6] *Per contra,* Mr. Phutela, submits that Kashmir Singh appeared before the Assistant Collector, Ist Grade. He along with other four brothers were being represented by the same counsel. It is too late in the day for the petitioners to claim ignorance about partition proceedings as the contention is highly unbelievable.

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[7] Having heard counsel for the parties and after carefully perusing of the records of the case, this Court finds that it is not in dispute that Kashmir Singh was one of the co-sharers in the joint land and was arraigned as one of the respondents in partition application. During the pendency of the partition application, Kashmir Singh died. Neither of the parties, i.e. the applicant or anyone of the remaining respondents, brought it to the notice of the Court that Kashmir Singh has died. No notice was ever issued to LRs of deceased-Kashmir Singh.

[8] In view of the above, this Court finds that the partition proceedings conducted at the back of LRs of Kashmir Singh who became co-sharers in estate on his death cannot be sustained. The same are hereby *set aside*.

[9] Parties are directed to appear before the Assistant Collector, 1st Grade on **15.07.2026**. The Assistant Collector, 1st Grade, shall re-adjudicate upon the application for partition from the stage Kashmir Singh died. The necessary exercise be completed expeditiously within a period of 06 months from the date of appearance of the parties.

[10] Writ petition stands **disposed off**.

[11] All pending miscellaneous application(s), if any, stands *disposed off*.

**(PANKAJ JAIN)**
**JUDGE**

01.07.2026
*'R. Sharma'*

*Whether speaking/ reasoned : Yes/No*
*Whether reportable : Yes/No*

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