

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

CWP No.10071 of 2015

Date of Decision:-21.05.2015

Hari Kishan & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rajiv Sharma, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Challenge is to the orders dated 30.11.2000 (P-1) passed by AC IInd Grade, Ballabhgarh, 18.07.2001 (P-2) passed by Collector, Ballabhgarh, 05.03.2004 (P-3) passed by Commissioner, Gurgaon and order dated 17.11.2014 (P-5) passed by Financial Commissioner, Haryana whereby application of the Petitioners for partition of the land has been allowed (but not to the satisfaction of the petitioners) and consequently, partition has been sanctioned in the manner prescribed by the AC Grade-II, Ballabhgarh, District Faridabad in its orders Annexure P-1.

Learned Counsel for the petitioners has argued that the orders passed by the authorities below are against law and facts and therefore liable to be set aside. It was argued that the petitioners are owner of 133/733 share measuring 6 Kanal 13 Marlas, however the Authorities below have not passed the orders in accordance with the mode of partition. As per the mode of partition, the possession of the parties was not to be disturbed. It is submitted that it is evident from the record that the petitioners were in continuing possession of land comprised in Khasra No.11/6, measuring 6 Kanal 13 Marlas wherein a tubewell has been installed by the Petitioners.

However, the above mentioned land has been allotted to Smt. Vidya Devi respondent. It was submitted that the courts below failed to take into consideration the fact that Vidya Devi was wrongly shown in possession of the above mentioned land and, therefore, prayer was made for setting aside the orders.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

All the Authorities below have come to a concurrent conclusion that it is Vidya Devi-respondent who is in cultivating possession of 6 Kanal 13 Marlas of land comprised in Khasra No.11/6 and these findings were based upon the revenue record. Furthermore, it is evident from the orders passed by the authorities below that Addl. Civil Judge, Faridabad vide its judgment dated 27.01.1996 had held Smt. Vidya Devi to be owner of the land comprised in Khasra no.11/6 and consequently mutation no.1375 was also sanctioned in her favour. Apart from no case on being merits is made out, it is apparent that the partition proceedings stood concluded by framing of the *Sanad Takseem* way back in the year 2000 which were upheld upto the level of Commissioner, vide order dated 5.3.2004, which was belatedly challenged before the learned Financial Commissioner, Haryana. Therefore, the issue on the ground of delay and laches is also decided against the petitioners.

In view of the facts observed herein above, the present writ petition is hereby dismissed, being without any merit.

**(JASWANT SINGH)
JUDGE**

May 21, 2015
Vinay