

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 3634 of 2011

Date of Decision: 21.2.2015

Des Raj and Another

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Vikram Singh, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, Deputy Advocate
General, Haryana for respondents No.1 & 2.

Mr. Gaurav Arora, Advocate
for respondents No.3 to 5.

Rajan Gupta, J.

Petitioners have sought writ in the nature of certiorari for setting aside *Sanad Takseem* dated 13.7.2010 (Annexure P7) and order dated 31.1.2011 (Annexure P8) passed by the Financial Commissioner.

Counsel for the petitioner contends that land has been partitioned in such a manner that lesser share has been given to the petitioners. Partition is not in accordance with mode of partition. Financial Commissioner has rejected the writ Petition on wholly untenable grounds. Plea has been opposed by counsel representing respondents. According to them, partition has been done as per norms. Petitioners never objected to mode of partition, *Naksha Be* and *Naksha Jeem*. After culmination of partition proceedings, they have approached this court.

I have heard counsel for the parties.

It appears that respondents No.3 to 6 filed an application seeking partition of land measuring 65 kanal 6 marlas situated in village Unispur, Tehsil Nilokheri, District Karnal. On 14.9.2007, mode of partition was proposed by respondent No.2. Petitioners and respondents No.6 to 16 filed objections against mode of partition, their main plea being that separate *kurras* be given to them. These objections were accepted and mode of partition was sanctioned on 14.12.2007. Order sanctioning mode of partition was not challenged by any of the parties. Thereafter, *Naksha Be* was prepared. Petitioners and respondents No.6 to 16, thereafter, sought numerous opportunities for filing objections to *Naksha Be*. Partition proceedings remain pending for about nine months at this stage. Ultimately, *Naksha Be* was approved on 20.4.2010. Thereafter, field staff submitted *Naksha Jeem* on 11.5.2010. Opportunity was granted to the parties to file objections. As none of them filed any objection, *Naksha Jeem* was sanctioned on 11.6.2010. *Sanad Takseem* was issued on 13.7.2010. Despite the fact, petitioners never filed objections to *Naksha Be* and never posed a challenge to mode of partition, they preferred a revision petition before the Financial Commissioner against order approving *Sanad Takseem*. Same was, however, rejected by the Financial Commissioner.

I find no infirmity with the impugned order. Plea of the petitioners that partition has not been effected in accordance with mode of partition is without any merit. According to stand of the State, petitioners have been given land on the main road as per their share.

Warrant of possession has already been issued as entire proceedings are complete. Any further delay in culmination of partition proceedings would be unjustified. Besides, there is nothing to show that partition is not in accordance with the rules and the norms. Petitioners succeeded in delaying the partition proceedings at the stage of sanction of *Naksha Be* by seeking several adjournments for filing objections. *Sanad Takseem* was already approved way back in the year 2010. Thus, there is no ground to interfere in writ jurisdiction. Partition proceedings cannot be allowed to linger on endlessly.

Dismissed.

(Rajan Gupta)
Judge

February 21, 2015

“DK”