

CWP No.17146 of 2015

[1]

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

**CWP No.17146 of 2015
Date of decision:20.08.2015**

Smt. Sharda

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition is filed by Smt. Sharda wife of Ram Kumar.

In brief, respondent No.5 filed an application for partition of the land. The mode of partition was prepared, to which an objection was filed by the petitioner, Ram Kishan, Randhir Singh and Ram Kumar sons of Chandu Ram. The Assistant Collector 2nd Grade recorded the statement of their counsel Shri O.P.Kohli on 02.03.2007 that he had seen and read the Tajbib Tarika Taqsim (suggested mode of partition) and had no objection to it. Accordingly, the Assistant Collector 2nd Grade prepared Naksha Kha, which was challenged only by respondent No.8 and not by the petitioner and, thereafter, Sanad Taqsim was issued on 08.02.2008. The petitioner has challenged the order dated 08.02.2008 before the Collector, which was dismissed by him on 07.12.2009 and the revision filed against that order before the Financial Commissioner was also dismissed on 28.01.2014.

CWP No.17146 of 2015

[2]

In the present case, the petitioner has basically challenged the order dated 08.02.2008 of the Assistant Collector 2nd Grade and the orders passed thereafter.

Since the petitioner was satisfied with the mode of partition and no appeal was filed by her against it, though it is provided under Section 118(2) of the Punjab Land Revenue Act, 1887, therefore, she had no right to challenge the Sanad Taqsim, which has been prepared on the basis of the suggested mode of partition. Therefore, the orders passed by the Collector and the Commissioner are without any blemish.

In view thereof, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

August 20, 2015
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(Rakesh Kumar Jain)
Judge