

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

CWP No. 20683 of 2013 (O&M)

Date of Decision:-30.04.2015

Ramesh Singh and Ors.

.....Petitioners

Versus

State of Haryana and Ors

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikram Singh, Advocate for the petitioners.

Mr. S.S. Mann, Sr. DAG, Haryana.

Mr. J.P. Sharma, Advocate for respondent No.4.

JASWANT SINGH, J.(ORAL)

The five petitioners are LR's of the original respondent/co-sharers, who were parties in the partition proceedings initiated by Sohan Singh and LR's of his brother-Sher Singh on 08.01.1982. The partition was sought for total joint land measuring 93 kanal 3 marlas.

It is not in dispute that Naksha *elef* was finalized in the presence of the parties detailing the extent of their respective shares and the possession. No objection to Naksha *alaf* was filed. Subsequently, the proposed mode of partition was also finalized with No Objection filed by the parties. Thereafter, Naksha Jeem was finalized on 02.05.1983. It is also not in dispute that based on the Naksha Jeem, *Sanad Taksim* was issued on 10.07.1986 (P.8) and thereafter warrants of possession executed and the parties put in possession of their respective shares as per mode of partition.

The petitioners/LR's of some of the original co-sharer/

respondents in partition proceedings after a delay of 27 years on 19.03.2013 filed a revision petition before the Financial Commissioner, Haryana under Section 16 of the Punjab Land Revenue Act, 1887 challenging Naksha *Jeem* on the ground that proper frontage to the extent of their shares of their predecessor in interest had not been granted.

Although the matter was highly belated, however, the learned Financial Commissioner vide order dated 08.05.2013 (P.9) even on merit found no substance in the objections raised by the petitioners.

Learned counsel for the petitioner has submitted that the findings recorded by the Financial Commissioner on merits are wrong, therefore the order is liable to be set aside.

On the other hand, learned counsel for contesting respondent No.4 submits that the learned Financial Commissioner had gone into the merits even when on the face of it, the revision was time barred. He, thus, submits that no interference is called for especially in the writ jurisdiction of this Court.

After hearing learned counsel for the parties, this Court finds no ground to interfere with an issue, which stands settled way back since the year 1986. Even if there is shortfall of frontage but the original co-sharers i.e predecessor-in-interest of the petitioners had accepted the position existing then, therefore in the opinion of this Court, no occasion has arisen for the LRs of the original co-sharers for agitating the issue after finalizing of partition proceedings i.e delay of 27 years.

Dismissed.

(JASWANT SINGH)
JUDGE

April 30, 2015
manoj