

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19011 of 2015

Date of Decision: September 09, 2015

Dharam Pal and others

... Petitioners

Versus

Financial Commissioner, Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sudhir Aggarwal, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 05.01.2012 (Annexure P/2) passed by respondent no.4 – Assistant Collector 2nd Grade, Faridabad, order dated 30.05.2012 (Annexure P/3) passed by respondent no.3 – Collector, Faridabad, order dated 05.09.2014 (Annexure P/4) passed by respondent no.2 – Commissioner, Gurgaon Division, Gurgaon and order dated 06.07.2015 (Annexure P/5) passed by respondent no.1 – Financial Commissioner, Haryana.

I have heard learned counsel for the petitioners and perused the paper-book.

Perusal of paper-book reveals that petitioners filed an

application for partition. After completing the formalities, amended mode

of partition was approved by the Assistant Collector 2nd Grade on 22.07.2010 (Annexure P/1). In clause 2 of the amended mode of partition, it has been specifically mentioned that while partitioning, the separate 'Taks' be carved out for petitioners and respondents. While carving out separate 'Taks' everybody should be granted equal shares in all the blocks and passage, possession, quality of land, trees, fruit bearing trees be also kept in mind.

The contention of the petitioners is that prior to partition, Rectangle no. 107, Killa Nos. 7, 8, 14, 17 and Rectangle No. 95, Killa No. 24/1/2 were in their possession which is situated on southern side of the road as shown in Annexure P/6. The grievance of the petitioners is that their possession over this entire land has not been maintained and it has been divided as shown in site plan Annexure P/7. This contention of the learned counsel for the petitioners is not sustainable. Land in possession of the petitioners and others has been divided and shares have been given to the parties in every block. It is settled principle of law, so far as the maintenance of possession is concerned, that possession be maintained to the maximum extent as far as possible and not the entire possession of the land is to be maintained. Land is required to be divided keeping in view its quality, nearness to the road and abadi etc.. This is

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In view of above, I do not find any violation in the mode of
partition.

Dismissed.

September 09, 2015
vkd

[Paramjeet Singh]
Judge