

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 19559 of 2015
Decided on 16.9.2015**

Rohtash

--Petitioner

Vs.

Financial Commissioner (Revenue) Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. D. K.Tuteja, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

The petitioner is one of the co-sharers in the joint land measuring 28 kanal 14 marlas alongwith his three brothers.

Respondent Nos. 4 and 5 initiated partition proceedings by filing an application under Section 111 of the Punjab Land Revenue Act, 1887 (for short,'the Act') before the A.C Ist Grade, Rohtak. After the application was filed, Naksha Alif was prepared and thereafter, mode of partition was proposed. Respondent Nos.4 and 5 raised objection to the mode of partition. Their objection was dismissed by the A.C.Ist Grade. Thereafter, respondent Nos. 4 and 5 filed their appeal before the D.R.O which was allowed and the appeal and revision filed by the petitioner was dismissed by the Divisional Commissioner and the Financial Commissioner.

Hence, the present writ petition has been filed.

Learned counsel for the petitioner has tried to explain with the aid of a site plan prepared by him, which is appended as Annexure P-5 with this petition that respondent Nos.4 and 5 should not have any grievance as they have been given land on two sides abutting rasta. Respondent Nos.4 and 5 have $2/3^{\text{rd}}$ share in the land in question whereas the petitioner and respondent No.6 have $1/3^{\text{rd}}$ share.

I have heard learned counsel for the petitioner and after perusing the record, am of the considered opinion that there is no error in the orders under challenge and the matter can be resolved only with the change in mode of partition as claimed by the private respondents.

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

16.9.2015
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(Rakesh Kumar Jain)
Judge