

CWP No.23588 of 2015

[1]

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

**CWP No.23588 of 2015
Date of decision:05.11.2015**

Shamsher Singh and another ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sushil Jain, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners are the real brothers, whereas respondents No.5 to 7 are also the real brothers. They jointly owned and possessed land measuring 182 Kanal 02 Marlas, situated in the revenue estate of village Hasanpur, Sub-Tehsil Alewa, Tehsil and District Jind. Respondents No.5 and 6 filed an application under Section 111 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the “Act”) before the Assistant Collector 2nd Grade, Alewa for partition of the joint holdings in which the performas respondents allegedly filed separate replies to the partition application admitting the claim of the petitioners, whereas the petitioners filed their joint written statement.

On completion of the pleadings, the Assistant Collector 2nd Grade prepared mode of partition on 11.03.2010, against which the petitioners filed objections on 11.05.2010. Respondent No.4 prepared

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Naksha 'Be' and the case was sent for preparation of Naksha 'Jeem'. The petitioners challenged the order dated 30.11.2010 in appeal before the Collector, which was dismissed on 28.02.2011. They further filed a revision which was also dismissed by the Commissioner, Hisar Division, Hisar on 18.01.2012 and the revision filed before the Financial Commissioner was dismissed on 04.12.2014.

After having failed before all the Courts below, the petitioners have filed the present writ petition and it is argued by learned counsel for the petitioners that though the land has been partitioned in the manner depicted in the site plan Annexure P-10 but it should have been partitioned in the manner depicted in the site plan Annexure P-11.

After perusal of both the site plans, I have found that the parties have been given land on the road to the extent of their share which is also shown similarly in both the site plans, therefore, just on the asking of the petitioners, the concurrent findings of fact recorded by all the Courts below cannot be disturbed.

Consequently, the present writ petition is hereby dismissed being denuded of any merit.

November 05, 2015
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(Rakesh Kumar Jain)
Judge