

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

C.W.P. No. 25655 of 2014 (O&M)
Date of Decision: January 12, 2015

Pirthi Singh (deceased) through Rohtash Singh ... *Petitioner*

Versus

Financial Commissioner, Haryana and others ... *Respondents*

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.S.Dhull, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

CM-288-CWP-2015

Civil Misc. application is allowed subject to all just exceptions. Annexure P/11 is taken on record.

CWP No. 25655 of 2014 (O&M)

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 for quashing of order dated 25.09.2008 (Annexure P/3) passed by respondent no.4 – Assistant Collector 2nd Grade, Julana, District Jind, order dated 08.04.2009 (Annexure P/5) passed by respondent no.3 – Collector, Jind, order dated 29.06.2010 (Annexure P/7) passed by respondent no.2 – Commissioner, Hisar Division, Hisar and order dated 05.07.2012 (Annexure P/8) passed by respondent no.1 – Financial Commissioner, Haryana, whereby the alleged objections of the petitioner

have been dismissed by all the revenue authorities. Quashing of Naksha Bay (Annexure P/9) has also been prayed for.

Brief facts of the case are that respondent nos. 5 & 6 and some others filed an application for partition of land measuring 250 kanals and 05 marlas situated in the revenue estate of Village Buana, Tehsil Julana, District Jind as per the jamabandi for the year 2003-04. Initially the parties were summoned and they were afforded opportunity to file their respective replies to the application. After considering the documents on record, application was allowed and after following due process, mode of partition was approved vide Annexure P/1. Thereafter, Naksha Bay was called and objections were invited. The petitioner being general power of attorney of his father, filed objections. The objections filed by the petitioner were dismissed by the Assistant Collector IInd Grade vide order 25.09.2008 (Annexure P/3). Against the order (Annexure P/3), petitioner preferred an appeal which has been dismissed vide order dated 08.04.2009 (Annexure P/5) by the Collector. Thereafter, the petitioner preferred a revision petition which has also been dismissed by the Commissioner, Hisar Division, Hisar vide order dated 29.06.2010 (Annexure P/7). Against that, petitioner filed an ROR before the Financial Commissioner, which has also been dismissed vide order dated 05.07.2012 (Annexure P/8). Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the

record.

Perusal of the record shows that after considering the objections filed by the petitioner, the Assistant Collector 2nd Grade came to the conclusion that there was no substance in the objections of the petitioner. Otherwise also, a perusal of coloured Naksha Bay (Annexure P/11) which has been placed on record vide CM-288-CWP of 2015 shows that the share of the petitioner appears to be much less as compared to the share of Kitab Singh. He has been allotted land on the passage as per his entitlement.

So far as the argument raised by the learned counsel that the petitioner has not been given any land adjacent to the main road, is concerned, none of the applicants and respondents in the application for partition is the owner of the property i.e. khasra no. 92//3/2, 4/2 and 5/2. The land of the shareholders has been partitioned keeping in view the situation at the spot. Petitioner has failed to show that his possession has been disturbed. Otherwise also, share of the petitioner is much less as compared to the share of Kitab Singh. Concurrent findings of fact have been recorded by all the revenue authorities.

In view of above discussion, I do not find any illegality or perversity in the orders passed by the revenue authorities.

Dismissed in limine.

January 12, 2015
vkd

[Paramjeet Singh]
Judge