

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

Date of decision: 27.04.2015.

M/s Durga Builders Pvt.Ltd. And another

.....Petitioners

v.

The Financial Commissioner, Revenue and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sharad Aggarwal, Advocate for the petitioners.

Jaswant Singh,J.(Oral)

Two petitioners, who are Builders are stated to have purchased a total land measuring 85K17M out of joint khewat measuring 470K11 M in revenue estate of Village Kidawali, Tehsil and District Faridabad. They are stated to have filed an application for partition on 21.9.2004 before the Assistant Collector Second Grade-respondent no.4. Vide order dated 27.7.2006 (P-1) passed by respondent no.4, Naksha 'A' was ordered to be finalised. Some of the co-sharers went in appeal against the order P-1 and the same was dismissed vide order dated 16.11.2006(P-2) by the Collector, Faridabad-respondent no.3. Thereafter vide order dated 19.2.2007(P-3) passed by respondent no.4, *Sanad Taksim* was ordered to be finalised. The earlier said co-sharers, however, in the meanwhile filed a revision against orders Annexures P-1 and P-2 which culminated into passing of the order dated 9.10.2009(P-4) by the Commissioner Gurgaon Division, Gurgaon-respondent no.2 whereby P-1 and P-2 were set aside

and the case was remanded back to respondent no.4 for deciding the issue afresh. Thereafter, respondent no.4 after making on the spot inspection passed order dated 22.6.2010(P-5) upholding the initial order (P-1) by observing that the co-sharers have been allotted land in the partition in the same ratio as on the both sides of Yamuna River. Thereafter, vide order dated 4.2.2011(P-6) passed by respondent no.4 a document of partition based on P-5 was prepared. Some of the co-sharers went in revision against orders P-5 and P-6 which has resulted into passing of the impugned order dated 3.3.2014(P-7) passed by Financial Commissioner, Revenue-respondent no.1 whereby the entire proceedings including the *Sanad Taksim* has been set aside by recording a finding that the revenue record produced during partition showed the nature of the land as *shamlat deh* and thus vesting in the Gram Panchayat, who was not even impleaded as a party. Hence the present writ petition.

After hearing counsel for the petitioner at length this court finds no ground to interfere with the impugned orders since the very basis on which the partition was sought concededly shows the land to be *shamlat deh* and thus, by operation of law vesting in the Gram Panchayat. Whatever remedy the petitioners have is elsewhere.

Dismissed.

27.04.2015.
joshi

(Jaswant Singh)
Judge