

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

CWP No.9077 of 2015
Date of Decision: 26.08.2015

Omkar Singh

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sanjay Mittal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged order dated 15.5.2003 vide which the Assistant Collector 1st Grade, Rewari had sanctioned *Naksha Be*, order dated 30.11.2004 passed by the Collector, Rewari, order dated 25.3.2010 passed by the Commissioner, Gurgaon Division, Gurgaon and order dated 12.2.2013 passed by the Financial Commissioner, Haryana.

In short, respondents No.5 & 6 filed an application for partition of land measuring 699 kanal 5 marla situated within the revenue estate of village Uncha, Tehsil and District Rewari. The Assistant Collector 1st Grade accepted and sanctioned *Naksha Be* on 15.5.2003 and issued *Sanad Taksim* (documents of partition) on 31.7.2003. The petitioner has alleged that he came to know about the order dated 31.7.2003 on 14.5.2004 when the other co-sharers tried to get possession of the land which was partitioned. The

petitioner then challenged the order dated 15.5.2003 and has remained unsuccessful till the Court of Financial Commissioner.

A concurrent finding has been recorded by all the Courts below that after the partition, even the possession has also been delivered and the AC 1st Grade had passed the order in accordance with law, in as much as, no right of the petitioner has been infringed. Although, learned counsel for the petitioner has argued vehemently that he was not served in the Court of AC 1st grade but he could not deny that he was represented by P.K. Vats, Advocate on 29.9.2000 when he filed his memo of appearance on his behalf. It is argued by learned counsel for the petitioner that the said advocate did not appear thereafter as there was no power of attorney executed in his favour by the petitioner.

I have heard learned counsel for the petitioner and examined the available record.

The only grievance of the petitioner is that partition proceeding has been held behind his back as he was not served before the AC 1st Grade, at the same time there is no denial to the fact that an advocate P.K. Vats had put in appearance on behalf of the petitioner before AC 1st grade on 29.9.2000 and thereafter did not appear as alleged but at the same time no action has been taken by the petitioner against the said advocate, who had appeared on his behalf, either by filing a complaint to the Bar Association of which he is a member or to the Bar Council of Haryana and Punjab, who has issued him the license to practice law, in case the said advocate had appeared on behalf of the petitioner without his instructions. Thus, the story propounded by the petitioner appears to be afterthought and cannot be believed. No other point has been raised.

In view of the aforesaid discussion, I do not find any error in the impugned orders passed by the Courts below.

Dismissed.

26.8.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**