

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

L.P.A. No. 620 of 2015 (O&M)

Date of Decision: April 27, 2015

Om Parkash and others

...Appellants

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Rajnish Gupta, Advocate,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under X of the Letters Patent has been filed against the order dated 08.07.2014 passed by the learned Single Judge, whereby the writ petition (CWP No.12059 of 2014) filed by the appellants challenging the decisions of the revenue authorities in the matter of partition of their agricultural land, i.e., order dated 20.04.2007 (Annexure A-2/T) passed by the Assistant Collector Ist Grade, Rewari; order dated 27.07.2007 (Annexure A-3/T) passed by the Collector, Rewari; order dated 12.02.2009 (Annexure A-4/T) passed by the Divisional Commissioner, Gurgaon; and order dated 19.05.2010 (Annexure A-5) passed by the Financial Commissioner, dismissing the objections of the appellants against 'Naksha Bey', has been dismissed.

Though there is delay of 217 days in filing the appeal and in

this regard the appellants have filed an application (C.M. No.1268-LPA of 2015), yet without considering the said delay into consideration, we have heard the learned counsel for the appellants on merits and gone through the record of the case.

Before the learned Single Judge, an argument was raised that the 'Naksha Bey', which was affirmed by the revenue authorities while dismissing the objections of the appellants, was not fair and reasonable and it violates the mandatory conditions of the mode of partition as less area on the main road side has been provided to the appellants. This contention has been rejected by the learned Single Judge while observing as under:-

“...Perusal of 'Naksha Bey' (Annexure P-11) clearly indicates that proportionate share according to their entitlement has been given to the petitioners in both the 'Taks'. The share of petitioners appears to be much less as compared to the share of Rampat, Hari Singh and Sher Singh. The share of petitioners has been shown in orange colour and of other shareholders in blue as well as pink colours. Since share of the petitioner is lesser than the respondents, therefore, the petitioner have to vacate the possession of excess land in their possession.

Learned counsel for the petitioners has failed to show that there is violation of any terms of the mode of partition while approving 'Naksha Bey'. I have myself perused the 'Naksha Bey' and mode of partition with the assistance of learned counsel for the petitioners, who has tried to convince me that due share has not been given to the petitioners as depicted in orange colour in both the 'Taks'. However, I am satisfied that all the authorities have concurrently recorded a finding that due share has

been given to the petitioners and there is no violation of any conditions of mode of partition.”

Again, before us, similar contention has been raised. In our view, when the 'Naksha Bey' has been finalized by the Assistant Collector Ist Grade after considering the objections raised by the appellants and that decision has been affirmed by the Collector, Divisional Commissioner, Financial Commissioner as well as the learned Single Judge, no interference is required in this Letters Patent Appeal as we do not find any jurisdictional error or perversity in the orders passed by the revenue authorities. The aspect whether the appellants have been provided sufficient land on the main roads or not, has been considered by all the revenue authorities. In our view, this is a pure finding of fact which does not require any interference in this appeal.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 27, 2015
vkg

(HARINDER SINGH SIDHU)
JUDGE