

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

**LPA No.637 of 2015 (O&M)
Date of Decision: 18.08.2015**

Smt. Piari

.....Appellant

Vs.

Financial Commissioner, Appeal-I, Punjab and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE NAVITA SINGH**

Present:- Mr. G.S. Nagra, Advocate for the appellant.

RAJIVE BHALLA, J.(Oral)

The appellant challenges order dated 12.2.2015 dismissing her writ petition challenging orders passed by the revenue authorities in partition proceedings.

Counsel for the appellant submits that a perusal of the revenue record reveals that the appellant was in separate cultivating possession of a parcel of land duly recorded by way of a separate khatauni. The revenue authorities, were, therefore, required, as far as possible to allot the same land to the appellant but during partition have disturbed the appellant's possession by allotting a portion of the land in possession of the appellant to the respondents.

Counsel for the appellant further submits that the factum of separate possession, admittedly recorded in the revenue record since 1992, proves a private partition between the parties and, therefore, the partition application should have been dismissed at the very outset.

We have heard counsel for the appellant and perused the

impugned order as well as orders passed by revenue authorities and find no reason to grant any relief to the appellant.

A perusal of the revenue record, undoubtedly, reveals that the appellant was in separate possession of a part of the land, but as a co-sharer. A separate khatauni number, merely reflects a private arrangement between co-sharers for better cultivation of the land but does not raise an inference of a partition. If appellant was in possession as a result of a private partition, the revenue authorities would have allotted her a separate khewat. This apart, a perusal of the site plans, appended with the appeal and the writ petition reveal that the petitioner's possession was disturbed so as to give land of equal value to all co-sharers. A partition, by its very nature, inheres disturbance of possession, as revenue officers are required to ensure that each co-sharer is, as far as possible, allotted land equal in quality and measure. Consequently, finding no error of fact or of law in the impugned order, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

August 18, 2015
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(NAVITA SINGH)
JUDGE