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

**CWP No.18606 of 2016 (O&M)**
**Date of decision: 02.12.2016**

**Mehnga Singh and another**

**... Petitioners**

**Vs.**

**Financial Commissioner (Appeals-I), Punjab and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Naveen Batra, Advocate
for the petitioners.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

**CM No.15387-CWP of 2016**

Applicants seek permission to place on record Annexures P-6 to P-8 and also seek exemption from filing certified copies thereof.

Application is allowed, as prayed for.

CM stands disposed of.

**CWP No.18606 of 2016**

Present writ petition is directed against the order dated 06.08.2015 (Annexure P-4) passed by learned Financial Commissioner (Appeals-I), Punjab, whereby revision petition filed by the petitioners was dismissed, upholding the order dated 12.09.2014 (Annexure P-3) passed by learned Commissioner, Rupnagar Division, Rupnagar, order dated 17.09.2013 (Annexure P-2) passed by learned Collector-cum-Sub Divisional Magistrate, Anandpur Sahib and the order dated 01.02.2013 (Annexure P-1) passed by Assistant Collector 1st Grade, Anandpur Sahib, in a case of partition of land.

Heard learned counsel for the petitioners.

A combined reading of all the four impugned orders passed by the revenue authorities would show that the partition proceedings have been finalized amongst the co-sharers in most equatable manner. Each and every relevant aspect of the matter has been duly considered and the partition was finalized, strictly in accordance with mode of partition. Having said that, this Court feels no hesitation to conclude that since none of the revenue authorities have committed any error of law, while passing their respective impugned orders, the same deserve to be upheld.

Finally, learned Financial Commissioner reconsidered the matter and found that the orders passed by Assistant Collector 1st Grade, Collector as well as Commissioner were based on true facts of the case as well as relevant provisions of law. After reconsideration of the matter, learned Financial Commissioner rightly passed the impugned order, upholding the orders passed by the subordinate revenue authorities. In this view of the matter, the impugned orders deserve to be upheld.

Before dismissing the revision petition filed by the petitioners, learned Financial Commissioner recorded his cogent findings, which have been found based on sound reasons. The relevant operative part of the impugned order (Annexure P-4) passed by learned Financial Commissioner, which deserves to be noticed here, reads as under: -

> *"I have considered the arguments put forth by the counsel for both the parties and carefully gone through the orders of lower courts. The plea of the petitioners that their possession has been disturbed, which is ultra vires of the proposed mode of partition,*

*cannot be countenanced by this court. The possession of the parties has been kept in accordance with the entries in the record of rights. Moreover, some adjustment in the possession of the land is a natural consequence of the process of partition which cannot be ruled out. The party having a share which is in excess of their respective share may have to surrender some possession to make good the share of the other party.*

*Further, the petitioners have already been given 24 Karams on the front side whereas the respondents have been provided only 13 Karams on the front side. Thus, the petitioners have been duly compensated and no injustice has been done to anybody.*

*I, therefore, find that this is only the delaying tactics of the petitioners to prolong the partition proceedings. The revision petition has no force. Accordingly, the orders of the lower courts are upheld and the revision petition is dismissed being devoid of merits."*

When confronted with the abovesaid findings of fact and equatable partition proceedings, learned counsel for the petitioners could not address any meaningful argument. However, to be fair to learned counsel for the petitioners, his solitary contention regarding providing khal to land of the petitioners, has been found wholly misplaced and the same cannot be accepted. In this regard, bare perusal of the coloured site plan (Annexure P-8) would make it crystal clear that khal (watercourse) shown in red colour from points ABCD has been provided for the land of the petitioners, shown in yellow colour, in such a manner that minimum possible land would be utilized in providing water to the land of the petitioners. This would avoid any wastage of land and there could not have been any better way to provide the watercourse, so as to ensure that land of both the parties gets proper irrigation. In this view of the matter, it can be safely concluded that none of the revenue authorities committed any error of law, while passing their impugned orders and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned orders passed by all the revenue authorities have not been found suffering from any patent illegality, the same deserve to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant writ petition stands dismissed, however, with no order as to costs.

**[ RAMESHWAR SINGH MALIK ]**
02.12.2016 **JUDGE**
*vishnu*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No