

CWP-24901-2015

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

CWP-24901-2015

Date of Decision: 02.03.2016

Ram Chander @ Rama Nand

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Arun Yadav, Advocate,
for the petitioner.

Mr. Ramesh Sharma, AAG, Haryana.

Mr. Gourav Gupta, Advocate for
Mr. Ashish Yadav, Advocate,
for respondent No.6.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 07.10.2015 (Annexure P-12) passed by respondent No.2-Financial Commissioner, Revenue, Haryana, 30.10.2014 (Annexure P-11) passed by respondent No.3-Commissioner, Gurgaon Division, Gurgaon and order dated 01.10.2013 (Annexure P-9) passed by respondent No.4-Collector, Rewari whereby order dated 10.04.2013 (Annexure P-5) passed by the Assistant Collector Ist Grade, Bawal, has been set aside.

I have heard learned counsel for the parties and perused the record.

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On 18.12.2015, following order was passed by this Court:

“In pursuance of order dated 30.11.2015 parties are present in Court.

Since petitioner and respondent No.6 are brothers, they have agreed that land touching the road and passage be partitioned equally according to their shares. They have filed their respective affidavits dated 18.12.2015 to this effect, same are taken on record.

In view of the consent given by the petitioner and respondent No.6, who are present in Court, land touching the main road i.e. rectangle No.73 killa Nos.4 & 5 and the land touching the passage i.e. rectangle No.70 killa Nos.24 & 25 be partitioned equally. The land on the Western side shall be given to respondent No.6 and on the Eastern side shall be given to the petitioner according to their shares.

Mr. Gurdial Singh, Kanungo, who is present in Court, shall prepare the naksha 'bey' according to agreement between the parties and place a copy of the same on record.

Arguments heard in part.

Adjourned to 20.1.2016.”

Vide order dated 12.02.2016, Circle Kanungo was directed to appear in the Court along with 'Naksha Bey' as directed vide order dated 18.12.2015.

In pursuance of the order dated 12.02.2016, Sh. Gurial Singh, Circle Kanungo is present along with 'Naksha Bey' and states that

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approximately equal area has been given to the petitioner and respondent No.6 on the road. Keeping in view the fact that land touching the road is not square or rectangular, rather its length and breadth are diagonal, the partition has been done in the best possible way. Almost equal area has been given to the petitioner and respondent No.6 touching the road. The said '*Naksha Bey*' is taken on record as Ex.CA. As per '*Naksha Bey*', area given to the petitioner on main road falls in khasra No.73//5/1/1/2 measuring 1 kanal 10 marlas whereas area given to respondent No.6 falls in khasra No.73//4/2/1 and 73//5/1/1/1 total measuring 1 kanal 8 marlas. Out of the total area sought to be partitioned, equal area has been given to the parties i.e. 7 kanals 10 marlas each. However, khataunis of '*Naksha Bey*' have been wrongly prepared and the areas of petitioner and respondent No.6 have been inter-changed by wrongly mentioning their names. The petitioner and respondent No.6 have been given the shares as per the *Naksha Bey* which has already been discussed above. As such, the khataunis be prepared as per '*Naksha Bey*' (Ex.CA).

In view of above, the impugned orders dated 07.10.2015, 30.10.2014 and 01.10.2013 are set aside and modified as per the *Naksha Bey*. Sanad Takseem and *Naksha Zeem* be prepared accordingly.

Disposed of.

02.03.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge