

CWP-6929-2016

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

CWP-6929-2016

Date of Decision: 12.04.2016

Ajinder Singh and another

... Petitioner(s)

Versus

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

... Respondent(s)

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

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sumeet Goel and Mr. Samir Rathaur, Advocates,
for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 16.07.2015 (Annexure P-15) passed by respondent No.1-Financial Commissioner (Appeals-I), Punjab, order dated 12.12.2013 (Annexure P-8) passed by respondent No.3-Assistant Collector-Ist Grade, *sanad takseem* dated 14.03.2014 (Annexure P-10) and the order dated 23.04.2014 (Annexure P-11) passed by respondent No.2-Collector, Roopnagar.

I have heard learned counsel for the petitioners and

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perused the record.

Respondent No.10 Kuldeep Singh and others moved application for partition of land measuring 111 kanals 12 marlas situated within the revenue estate of village Khwaspura, Tehsil and District Ropar. Assistant Collector-Ist Grade, Chamkaur Sahib framed mode of partition (Annexure P-6) and partition was carried out. The petitioners were afforded opportunity to file their objections to *Naksha Bey*, rather they have been given the entire land on the basis of civil court decree dated 14.01.1988 (Annexure P-2) passed in civil suit No.411 of 24.11.1987. Perusal of the decree dated 14.01.1988 (Annexure P-2) reveals that specific khasra number has been given to petitioner No.1 without impleading all the necessary persons i.e. co-sharers as parties, therefore, the decree dated 14.01.1988 (Annexure P-2) is not binding on the other co-sharers. Even otherwise, if a civil court decree or sale is made in respect of specific khasra out of joint holding, the same will be treated as sale/transfer of the share only. Due to fear of contempt, the revenue authorities allotted specific khasra number to the petitioners. Vide impugned order dated 16.07.2015 (Annexure P-15), respondent No.1 has recorded following findings:

“8. Further, the petitioner has been allotted the land comprised in khasra No.28//12/1/2 (0-18), 12/2/3 (0-16), 20/2/2 (0-17) and 28/2 (1-12) which is the same khasra number which was given to petitioner No.1, by virtue of civil court judgment and decree dated 14.01.1988. The petitioner has got the land abutting main road on the road

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adjoining the city as well as on the National Highway, which clearly shows that it is only the delaying tactics of the petitioner.”

In spite of having most valuable parcels of land on metalled road and national highway, still the greed of the petitioners does not appear to be satisfied. Furthermore, the petitioners have withheld the material documents including *Naksha Bey* so that correct locations of the land allotted to them may not come to the notice of this Court. The petitioners have not come to the Court with clean hands.

In view of the above, I do not find any illegality or perversity in the impugned orders.

Dismissed in limine.

12.04.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge