

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Writ Petition No.2080 of 2017

Date of Decision: May 08, 2017

Daan Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

Present: Mr.Liaqat Ali, Advocate,  
for the petitioners.

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**AMIT RAWAL, J. (Oral)**

In pursuance to the order dated 6.2.2017, learned counsel for the petitioners has filed the affidavit of Jora Singh in the Court today. The same is taken on record.

Petitioners have sought the indulgence of this Court for issuance of a writ in the nature of certiorari seeking quashing of the orders dated 19.9.2000 (Annexure P-1) passed by Assistant Collector Ist Grade, Malerkotla-respondent No.5, 22.2.2001 (Annexure P-2) of Collector Malerkotla-respondent No.4, 3.10.2007 passed by Divisional Commissioner, Patiala Division and order dated 31.8.2015 of Financial Commissioner-respondent No.2, dismissing the claim of the petitioners.

Mr.Liaqat Ali, learned counsel representing the petitioners, submits that the land in dispute was comprising in Khewat No.61 measuring 91 bighas 11 biswas, out of which, Baggu and Geja were owners to the extent of half share, i.e., 45 bighas 15.5 biswas and the remaining land was

under the ownership of Arjun Singh and Ujjagar Singh. Both Baggu and Geja were unmarried and issue-less and during their life time, sold 12 bigha 10 biswas to Baljeet Singh etc. from their share and after deducting the land sold by Geja and Baggu, they became owner of land measuring 33 bighas 5½ biswas. Thereafter, two khewats were made, one regarding 77 bighas 14 biswas and another with regard to the land sold by Geja and Baggu.

He further submits that the authorities under the Act, while entertaining the application, have rejected the claim of the petitioners on the premise that they had not moved any application nor filed any objections qua preparation of Naksha-Be. Final partition was also passed way back in 2000. In fact, the petitioners had raised the objection and re-agitated before the authorities that this matter has not been looked into or examined. The documents placed on record shows that it is the Gurdev Kaur, Gurdial Kaur and Gopal Singh, who had sold more than their share and not the petitioners and, thus, urges this Court for setting-aside the orders and conducting of the partition proceedings *de novo*.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the petitioners have been agitating their cause before the authorities with regard to the mode of partition, which ultimately culminated into final partition, but the fact remains that at no point of time, it is revealed that that they have filed any objections against Naksha-Be, which was converted into final Zeem and ultimately final partition, thus, in my view, challenging of the orders is nothing but a farcical exercise. Once the partition proceedings had been passed in 2000, the petitioners, in my view, if at all aggrieved, could have gone to the civil court instead of availing the remedy under the Act.

The orders under challenge, in my view, do not call for any interference and cannot be said to be vitiated in law. Resultantly, the same are upheld.

Writ petition is disposed of with the observations given here-in-above.

**May 08, 2017**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**