

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.3067 of 2017
Date of Decision: February 17, 2017

Netram

...Petitioner

Versus

Assistant Collector 1st Grade, Jhajjar & others

...Respondents

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

Present: Mr.Saurabh Dalal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner is aggrieved of the impugned partition proceedings, i.e., Naksha “B” (Annexure P-4) and Sanad Takseem (Annexure P-5) on the premise that the petitioner, vide Annexure P-1, had sold the land to M/s Reliance Haryana S.E.Z. Limited by specifying killa numbers, i.e., before the partition.

Mr.Saurabh Dalal, learned counsel for the petitioner submits that the mode of partition suggested not to disturb the possession, but Annexure P-4 reveals that the possession of the petitioner has substantially been disturbed. The Sanad Takseem (Annexure P-5) is not in accordance with the suggested mode of partition. In view of this aspect of the matter, Naksha “B” (Annexure P-4) has been assailed.

I have heard the learned counsel for the petitioner and appraised the paper book.

The petitioner has approached this Court after almost seven

years. No explanation of delay has been given, though it has been brought to the notice of this Court that a civil suit was filed in the year 2013 and the same was dismissed on 23.11.2016. Even the filing of the suit was beyond three years. Be that as it may, the fact remains that the petitioner could not have alienated the specific killa numbers without there being a partition. The pink colour in Annexure P-1 reveals that specific killa numbers are alleged to have been sold by the petitioner without partition.

In my view, the Naksha “B” (Annexure P-4) and Sanad Takseem (Annexure P-5) are perfectly in accordance with law as all the co-sharers would have a stake on the superior quality of the land and for that purpose, if the possession has to be disturbed, the same can be disturbed. No sale deed of specific killa number in the absence of the partition is permissible.

For the foregoing reasons, I do not differ with the findings rendered by the revenue authorities. No ground for interference is made out.

Writ petition stands dismissed.

February 17, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No