

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

126

Civil Writ Petition No.15614 of 2018
Date of Decision: July 3rd, 2018

Mann Singh

...Petitioner

Versus

Financial Commissioner Punjab Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naresh Chander, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the orders dated 01.04.2011, 10.05.2011 and 16.01.2012 (Annexures P-1 to P-3) respectively passed by the Assistant Collector, Grade-I, Rajpura, whereby the applications of the petitioner for stopping the partition proceedings were dismissed and naksha 'A' and naksha 'zeem' have been approved and final order of partition stands passed. Challenge has also been posed to the subsequent proceedings, wherein the Collector, Rajpura-respondent No.3 has dismissed the claim of the petitioner by order dated 31.05.2012 (Annexure P-6), which has been upheld by the Commissioner, Patiala Division, Patiala-respondent No.2 by order dated 12.03.2014 (Annexure P-9) and ultimately the revision has also been dismissed by the Financial Commissioner, Punjab, on 21.05.2018 (Annexure P-11).

2. It is the contention of learned counsel for the petitioner that the petitioner has preferred an application for stopping the partition proceedings on the ground that khasra No.414 was a gair mumkin land, which was being used for the purpose of common path, common watercourse and such like purposes, and therefore, it could not be partitioned as per the provisions of Sections 112 and 115 of the Punjab Land Revenue Act, 1887. He contends

and deserve to be set aside as the said orders are violative of the provisions of the Act.

3. I have considered the submissions made by learned counsel for the petitioner and have gone through the impugned orders.

4. Perusal of the order dated 21.05.2018 (Annexure P-11) passed by the Financial Commissioner, Punjab, leads to a conclusion that a part of khasra No.414 still continues to be used for common purposes of all co-sharers so that they can use the same for the purpose of reaching their fields easily. The partition proceedings have attained finality and the plea which has been raised by the petitioner has been rejected all through by the competent authorities taking into consideration the factual aspect and the ground realities apart from the documents on record. There does not appear to be any illegality in the impugned orders which would call for any interference by this Court in exercise of its extraordinary powers. The writ petition, therefore, stands dismissed.

July 3rd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No