

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

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Civil Writ Petition No.16060 of 2018 (O&M)
Date of Decision: July 13th, 2018

Sajjan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Bhupander Ghanghas, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.9630 of 2018

Prayer in this application is for placing on record Annexures P-8 to P-11 and for exemption from filing the certified/true typed copy of the same.

Application is allowed subject to just exceptions.

Annexures P-8 to P-11 are taken on record.

Exemption from filing the certified/true typed copy of Annexures P-8 to P-11 is granted.

CWP No.16060 of 2018

Challenge in this petition is to the order dated 06.11.2013 (Annexure P-2) passed by the Assistant Collector 2nd Grade, order dated 04.09.2015 (Annexure P-3) passed by the Sub Divisional Magistrate-cum-Collector, Siwani, order dated 12.01.2017 (Annexure P-4) passed by the Commissioner, Hisar Division, Hisar, order dated 31.05.2018 (Annexure P-5) passed by the Financial Commissioner, Haryana, whereby the partition as carried out by the Assistant Collector 2nd Grade, Loharu, by order dated 06.11.2013 (Annexure P-2) has attained finality, rejecting the objections of the petitioner.

petitioner had been objecting to the naksha 'bey' dated 06.11.2013 on the ground that it was not prepared keeping in mind the possession as well as the quality of the land. A civil suit was pending between the parties and, therefore, the Revenue Court should have at least waited for the final outcome of the Civil Court. There was a *samadhi* of the brother of the petitioner in his land which has been given to some other person in partition proceedings. He, therefore, contends that the impugned orders cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case.

4. As regards the first contention of learned counsel for the petitioner that the naksha 'bey' has not been prepared keeping in mind the quality of the land cannot be accepted as the Collector himself had inspected the spot to ascertain the quality and value of the land before apportioning the same amongst the respective shareholders. It has also come on record in the report of the Collector that there is no *samadhi* on the disputed land. As a matter of fact, counsel for the petitioner has admitted that the *samadhi* was built after the proceedings for partition had been initiated. Therefore, the said contention that the *samadhi* of brother of the petitioner was in the land of the petitioner, has rightly been rejected. That apart, the civil suit which was preferred by the petitioner being Civil Suit No.64 of 2013 stands decided by order dated 16.10.2017 dismissing the said suit. The plea, therefore, of the counsel for the petitioner that the civil suit was pending between the parties, also cannot sustain.

On perusal of the records by the Financial Commissioner, Haryana, it has been concluded by the said authority that initially one naksha 'bey' was prepared and thereafter an amended naksha 'bey', keeping in view the objections, was prepared. No ground, therefore, as has been projected by the petitioner in the present petition, has any merit. The orders as passed by the authorities below are based on proper appreciation of the ground realities and in accordance with the provisions of the Revenue Act, which do not call for any interference by this Court.

5. In view of the above, the present writ petition being devoid of merit, stands dismissed.

July 13th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No