

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

142

CIVIL WRIT PETITION NO.17504 OF 2018
DATE OF DECISION: JULY 19, 2018

Balwan Singh

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court challenging the order dated 26.09.2017 (Annexure P-11) passed by the Financial Commissioner, Haryana, dismissing the revision petition preferred by him and order dated 12.06.2014 (Annexure P-9) whereby the *Sanad Taksim* was issued by the Assistant Collector Ist Grade and order dated 28.08.2015 (Annexure P-8) passed by the Commissioner, Ambala Division, Ambala-respondent No.2.

It is the contention of learned counsel for the petitioner that the authorities below as well as the Financial Commissioner have failed to appreciate that the passage which has been carved out during the partition proceedings would lead to removal of tubewell of the petitioner, which falls on the said passage. He further contends that the passage which has been carved out is very far off and long whereas it should have been shortest way. Apart from that, he has referred to the map, which has been appended

alongwith the writ petition to assert that great prejudice has been caused to the petitioner during the partition proceedings denying him the share of the land.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned order but do not find any illegality therein.

The contention of learned counsel for the petitioner that the tubewell of the petitioner falls on the passage, which has been carved out after the partition, cannot be accepted as the objections (Annexure P-4) before the Assistant Collector IInd Grade do not indicate that such an objection was ever taken. It is only an after thought and in fact there is nothing which would indicate that the tubewell exists on the passage, which is being sought to be carved out. Having perused the map, which is appended alongwith the writ petition, this Court is satisfied that no prejudice has been caused to the petitioner during the partition. The orders, as have been passed by the revenue authorities, being in accordance with law and based on proper appreciation of facts, do not call for any interference by this Court in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition, therefore, stands dismissed.

July 19, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No