

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

LPA No.1265 of 2018 (O&M)

Date of decision : 18.08.2018

Seeta Singh

...Appellant

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE**

Present: Mr. Jug Nahar Singh, Advocate for the appellant.

ANIL KSHETARPAL, J.

The appellant has filed this appeal under Clause X of the Letters Patent, against the judgment passed by the learned Single Judge dated 10.07.2018, whereby the writ petition filed by the appellant has been dismissed.

The appellant is alleged to have purchased the land measuring 7 bighas and 4 biswas comprised in Khasra Nos.27 min (3-14) 28 min (3-10) situated in Village Chhachhrauli vide sale deed dated 05.07.1977.

Respondent No.4 filed an application under Section 111 of the Punjab Land Revenue Act, 1887 seeking partition of the joint land measuring 110 bighas and 3 biswas. Notices were sent and the petitioner did not appear. The petitioner was proceeded against ex parte and the partition proceedings were finalized.

The appellant filed a revision petition under Section 16 of the Punjab Land Revenue Act, 1887 before the Financial Commissioner. Learned Financial Commissioner even after finding that the appellant had refused to accept the summons and, therefore, rightly proceeded against ex parte, heard him on merits and found that the land, which had been purchased by the appellant, has been allotted to him in the partition proceedings. The Financial Commissioner further noticed that only grievance of the appellant is with respect to a path which has been carved out after imposing proportionate cut on the land of every co-sharer for providing a passage to co-owners who are not having excess to the main passage.

The Financial Commissioner concluded that the passage has been rightly provided and for carving out the passage, proportionate cut on the land holdings has also been rightly imposed. The petitioner challenged the aforesaid order passed by the Financial Commissioner in a writ petition and learned Single Judge re-examined the matter and found that every shareholder is entitled to passage to his land and each co-owner has to pool in some part of his land for carving out such land for passage when partition proceedings are resorted to.

Learned counsel for the appellant has been heard at length and with his able assistance, we have gone through the orders passed by the Financial Commissioner as well as by the learned Single Judge.

Learned counsel for the appellant while reiterating his arguments, submitted that no doubt, the petitioner has been allocated the same piece of land which was purchased by him, however, he

submitted that cut imposed to pool in the land for providing passage has been wrongly imposed.

We have considered the argument.

The appellant had purchased the land out of a joint khewat. Even if the appellant had purchased the land comprised in specified khasra numbers, he would at the most become co-owner in the joint khewat. While partitioning the land, the appellant has been given allocated land alongwith the main passage against which appellant has no grievance. However, while partitioning the land, provision has to be made for providing a passage to have access to each portion carved out and allocated to other co-owners. This is what has been done by the Revenue Authorities.

In view thereof, there is no ground to interfere with the judgment passed by the learned Single Judge dated 10.07.2018.

Letters Patent Appeal is dismissed.

18.08.2018

Pawan

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No