

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

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**CIVIL WRIT PETITION NO.1051 OF 2019
DATE OF DECISION: JANUARY 16, 2019**

Lal Chand

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

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

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, impugning the order dated 14.07.2017 (Annexure P-7) vide which the objections (Annexure P-6) of the petitioner to the partition stands dismissed; order dated 16.08.2017 (Annexure P-8) passed by the Assistant Collector Ist Grade, Sonapat (for short, "ACIG, Sonapat") vide which the amended *Naksha 'Kha'* stands sanctioned; impugned *Naksha 'Gaa'* (Annexure P-9) sanctioned by ACIG, Sonapat and amended *Naksha 'Gaa'* alongwith *sanad taxim* dated 27.10.2017 (Annexure P-11) as also the order dated 30.08.2018 (Annexure P-12) passed by the District Revenue Officer-cum-Collector, Sonapat, vide which the appeal of the petitioner stands dismissed.

It is the contention of learned counsel for the petitioner that the mode of partition was finalized by the competent authority vide order dated 14.09.2016 (Annexure P-3). He contends that as per Clauses 6 and 7, the

possession of the co-sharers had to be kept intact. Khasra No.18/2, measuring 1 kanal 18 marlas, where the monument of father of the petitioner has been built by him with his own money, for which annual feast is also hosted by him, has been allotted partly to other co-sharers. He contends that the mode of partition, as far as keeping in view the old possession, stands violated. Prayer has, thus, been made to set-aside the impugned orders and allot the whole of Killa No.18/2 in Mustatil No.123 to the petitioner.

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

Learned counsel for the petitioner could not dispute the fact that as far as monument of his father is concerned, except for some of the portion of Killa No.18/2 in Mustatil No.123 and the abutting land stands allotted to the petitioner. In view of the fact that the sentiments of the petitioner have been taken care and he has abutting land, which takes care of annual feast, which is being hosted by the petitioner in honour of his father, the Court does not find justification in interfering with the partition, which has taken place. It goes without saying that it is not a case of the petitioner that the land, which has been allotted to him, is not as per his share.

In view of the above, finding no merit in the writ petition, the same stands dismissed.

January 16, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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