

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

123

Civil Writ Petition No.3908 of 2019
Date of Decision: March 6th, 2019

Paramvir and another

...Petitioners

Versus

Financial Commissioner, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K. Sharma, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 24.02.2016 (Annexure P-1) passed by the Assistant Collector Ist Class, Mahendragarh, District Mahendragarh, vide which naksha bey has been confirmed, order dated 31.10.2014 (Annexure P-4) passed by the Commissioner, Gurgaon Division, Gurgaon, whereby the appeal preferred by the private contesting respondents 5 to 9 was accepted setting aside the order dated 18.09.2006 (Annexure P-2) and order dated 04.07.2018 (Annexure P-6) passed by the Financial Commissioner, Haryana, whereby the revision petition preferred by the petitioners has been dismissed.

2. It is the contention of learned counsel for the petitioners that vide the impugned orders, the revenue authorities have failed to appreciate that the objections which have been filed by the petitioners were based upon the factual position as existed at the site. The land which was being sought to be partitioned fell in three different villages and, therefore, three different khewats. The co-sharers were common and the petitioners have spent a lot of money and energy in making the land in Village Surehati Jakhar which was in their possession prior to the partition proceedings having been initiated. Without taking the said aspect into consideration, the authorities

khewats, they cannot be clubbed together as the parties had not agreed to the same. He, thus, contends that since the petitioners have invested in the land which was in their possession, the possession should not have been disturbed. That apart, he contends that the impugned orders being not in consonance with the provisions of the Revenue Act cannot sustain and deserve to be set aside.

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

4. The private respondents had sought partition of the land with regard to their share out of the total land measuring 258 kanals 1 marla before the Assistant Collector 2nd Grade. It is an admitted position that the land falls in three villages namely Surehati Jakhar, Satnali and Barda. The request primarily as objected by the petitioners was that they have put in great effort and money on the land which was in their possession in Village Surehati Jakhar, which should have been allotted to them as per their share in one chak instead of proceeding to decide the matter in three different taks giving each co-sharer the respective share in three villages. The said objection of the petitioners has been rejected which was challenged by the petitioners by filing an appeal before the Collector, Sub Division Mahendragarh, who allowed the said appeal resulting in an appeal being preferred by the private respondents 5 to 9 before the Commissioner, Gurgaon Division, Gurgaon, which has been allowed setting aside the impugned order passed by the Collector, Sub Division, Mahendragarh, resulting in petitioners filing a revision petition before the Financial Commissioner, Haryana, which has been dismissed on 04.07.2018

(Annexure P-6). The factum that the land of the parties, who are the co-sharers, fall in three different estates is admitted. If that is so, only with the consent of the parties, the land could have been partitioned by treating it as one revenue estate but unfortunately the parties have not agreed to it. In these circumstances, the Revenue Courts have rightly proceeded to treat them as three different revenue estates and thereafter proceeded to partition the same as per the respective share of the co-sharers. The rejection of the objections of the petitioners as have been projected by them before the Assistant Collector Ist Grade, Mahendragarh, vide order dated 24.02.2006 (Annexure P-1) cannot be faulted with along with other orders which have been impugned in the present writ petition.

5. Finding no merit in the present writ petition, the same, therefore, stands dismissed.

March 6th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No