

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
107**

**CWP-21379-2018 &
CM-19314-CWP-2018**

Date of decision: 11.01.2019

JAGJEET SINGH

...*PETITIONER*

VS.

STATE OF HARYANA AND ORS

...*RESPONDENTS*

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.**

***AUGUSTINE GEORGE MASIH, J. (ORAL)*
*CM-19314-CWP-2018***

C.M. is allowed subject to just exceptions. Annexure P-6 is taken on record.

CWP-21379-2018

Present is a case where the challenge is to the order passed by the Divisional Canal Officer, Rori Water Services, Division Sirsa dated 01.02.2018 (Annexure P-3) whereby on an appeal preferred by respondent No. 6 against the order dated 15.11.2017 (Annexure P-1) passed by the Deputy Collector, Rori Water Services, Division Sirsa, whereby a separate *wari* was provided to the petitioner on the basis of an affidavit given by the co-sharers, was set aside, revision against which preferred by the petitioner stands dismissed by the Deputy Collector, Rori, Water Services Division, Sirsa-respondent No. 5.

It is the contention of the learned counsel for the petitioner that a private partition has been entered into between the co-sharers and on the basis of the said private partition, affidavit was submitted to the competent authority i.e. the Divisional Canal Officer, Rori, Water Services Division,

Sirsa, who accepted the prayer of the petitioner for assigning a separate *wari* and a *nakka*, which was based upon the factual position as it existed on that date and, therefore, should not be interfered with by the Appellate as well as by the Revisional Authority. He, therefore, contends that the impugned order cannot sustain and deserves to be set aside.

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

It is not in dispute that even if there is a private partition between the parties, the same is not reflected in the revenue record. Since no private partition is reflected in the revenue record, the *wari*, as has been claimed to be separate because of the partition, could not have been granted to the petitioner. The orders, as passed by the Appellate Authority as well as the Revisional Authority, therefore, being in accordance with law do not call for any interference.

It goes without saying that in case there has actually been a private partition between the parties and the same is incorporated in the revenue record and reflected ultimately, then the cause of action may arise to the petitioner. As of now, the orders, as passed by the authorities which have been impugned herein, being in accordance with law do not call for any interference.

There being no merit in the present writ petition, the same stands dismissed.

January 11, 2019

pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No