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

**CWP No. 27765-2018
Date of decision : 17.10.2019**

Dogar Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE G.S.SANDHAWALIA

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

G. S. SANDHAWALIA, J. (ORAL)

The challenge is to the order dated 17.01.2018(Annexure P-7) passed by the Financial Commissioner who has upheld the order dated 28.03.2014(Annexure P-6) passed by the Commissioner, Jalandhar and the order dated 23.11.2010 passed by the Collector, Ajnala including the order dated 19.02.2010(Annexure P-4) passed by Assistant Collector 1st Grade.

Vide Annexure P-4 the revenue authorities as such had approved the deed of partition(sanad taksim) and directed that the same be issued while noticing that the appeal was dismissed on 04.08.2009 and the order dated 09.05.2006 (Annexure P-2) whereby the respondent has not filed objections against the Naksha Be-Zeem which has been directed to be approved had been upheld.

mode of partition was to be carved out by disturbing the possession as per the value and utility of the land as per clause 3 on 26.12.2005 (Annexure P-1) and in such circumstances Naksha Be-Zeem had been upheld which was not objected to by the petitioner on 09.05.2006 (Annexure P-2). The petitioner had come up in appeal against the approving Naksha Urre on 05.11.2004 before the Collector, Ajnala who dismissed the appeal on 14.06.2005. Matter was taken to the Commissioner on 04.08.2009 (Annexure P-3) whereby the Commissioner noticed that the civil court decree had also been passed on 01.09.1998 whereby the parties had been given liberty to seek partition of joint land.

In such circumstances the deed of partition was issued on 19.02.2010 (Annexure P-4) has been upheld by the revenue authorities by holding that there was no impropriety in the orders whereby the Sanad Taqseem has been issued. The Financial Commissioner has noticed all these facts in the impugned order dated 17.01.2018. Once the deed of partition has been issued as per the mode and no objection was raised to the site plan by counsel for the petitioner on 09.05.2006, the argument raised that possession is being disturbed is without any basis, since clause 3 itself provides for that.

Thus there is no merit in the present petition and the same is dismissed, in limine.

(G.S.Sandhawalia)
Judge

17.10.2019
sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No