

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RA-CW-470-2015 in

CWP-7564-2014

Date of decision: March 05, 2019

Bhoop Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ravinder Malik, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Rajan Gupta, J.(oral)

This is an application for review of the order dated 20.05.2014.

During the proceedings, a copy of the application was handed over to the State counsel to enable him to assist. According to him, there is no infirmity with the order. Admittedly, the petitioner had another opportunity to challenge the *Sanad Taqsim* in view of judgment reported as ***Amar Khan and others Vs. State of Punjab and others, 2009 (1) R.C.R. (Civil) 741***. It is stated that petitioner has already availed that remedy. The question whether land was *Gair Mumkin*, has already been gone into by the authorities below. This question need not be further examined by the writ court being factual in nature. The observations of the Financial Commissioner are relevant and are reproduced below:-

“A reading of the record and the orders passed by the Lower Revenue Courts show that Assistant Collector 1st Grade has passed the orders of partition in accordance with provisions of the mode of partition. Petitioners have failed to show that they were not given proper opportunity of hearing and any injustice has been done to

them. It has also been observed that petitioners have been engaging in litigation simply to prolong the partition proceedings. The orders passed by the lower Revenue Court of Assistant Collector 1st Grade, Collector and Learned Commissioner are reasoned speaking orders, and deserve no interference. Finding no merit, the Revision Petition is dismissed.”

The petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 05, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No