

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

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**CWP No.17789 of 2020 (O&M)
Date of Order: 25.11.2020**

Sukhwinder Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sandeep Kotla, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner has filed this writ petition under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of certiorari, to set aside the order dated 18.11.2019, passed by the learned Financial Commissioner, Haryana, in the exercise of its revisional powers under the Punjab Land Revenue Act, 1887.

The revision petition was filed against the instrument of partition prepared on 24.4.2015 in a proceedings for partition of joint agricultural land. An application filed by Smt. Krishna Devi wife of Kesar Singh, for separation of her share of the land from a joint piece of agriculture land was allowed. After a period of 4 years and 6 months, the petitioner invoked the revisional jurisdiction by filing a revision petition.

Learned Financial Commissioner noticed that there is a delay of 4 years and 6 months in filing the revision petition. It was further noted that

although, no limitation has been prescribed, however, the revision petition cannot be entertained after an unreasonable delay.

This court has also heard learned counsel on merits. It is not the case of the petitioner that Smt. Krishna Devi has been allocated land which is more than her entitlement. Still further at the time of partition, the land owned by Smt. Krishna Devi, only, has been separated and the remaining land continues to be joint. The petitioner can always file an application for partition of the remaining land. Still further, on careful perusal of a lay out plan of the partition carried out, it is apparent that only a contiguous piece of land has been allotted to Smt Krishan Devi.

Learned counsel for the petitioner, although, made an attempt to contend certain points which were never taken before the Financial Commissioner. However, this court while exercising jurisdiction under Article 226 of the Constitution of India, cannot permit the petitioner to put forth new submissions which are based on facts for the first time.

Hence, no ground to interfere.

Dismissed.

November 25, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No