

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

LPA-1657-2019 (O&M)

Date of decision:- 20.01.2020

Amrik Singh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. P.K. Ganga, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed against an order dated 15.07.2019 passed by the learned Single Judge dismissing the writ petition being CWP-25252-2015 filed by the petitioner (appellant herein) challenging the order dated 17.06.2011 passed by the Tehsildar-cum-Assistant Collector 1st Grade, Ellanabad dismissing the application for clubbing up of the land for partition; the order dated 30.09.2011 passed by the Commissioner, Hisar Division dismissing the appeal; the order dated 09.05.2013 passed by the Tehsildar-cum-Assistant Collector, 1st Grade, Ellanabad issuing Sanad Takseem and the orders dated 24.07.2013 and 27.11.2013 passed by the Financial Commissioner, Haryana rejecting the application for stay of Sanad Takseem and dismissing the revision petition filed by the appellant, respectively.

Learned counsel appearing for the appellant submits that the impugned order passed by the learned Single Judge suffers from perversity, inasmuch as it was based on non-consideration of facts, which is apparent from a perusal of

the finding recorded by the learned Single Judge. It is submitted that the persons in whose names the two lands were mentioned are the same and the learned Single Judge has passed the impugned order losing sight of the documents available on record.

We have heard learned counsel for the appellant at length and perused the order passed by the learned Single Judge as well as the documents on record.

From a perusal of the revenue record in respect of the two lands, which are sought to be clubbed for the purposes of partition, it is apparent that the names of the owners are not identical. It is also evident that even before the learned Single Judge, the appellant could not establish this fact. It is also undisputed that the co-sharers of the two lands have not made any application for clubbing up the same for the purposes of partition. In such circumstances, we do not find any perversity or illegality in the impugned order passed by the learned Single Judge, which may require our interference.

The appeal filed by the appellant being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.01.2020
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No