

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

LPA-1741-2019 (O&M)

Date of decision:- 05.02.2020

Smt. Phoola Devi alias Phuli Devi and others
...Appellants

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. Sanjiv Gupta, Advocate,
for the appellants.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed against an order dated 22.08.2019 passed by the learned Single Judge dismissing the petition being CWP-22194-2019 filed by the petitioners (appellants herein) challenging the order dated 28.06.2019 passed by the Financial Commissioner, Revenue; the order dated 01.09.2014 passed by the Commissioner, Rohtak Division, Rohtak; the order dated 28.09.2012 passed by the District Revenue Officer-cum-Collector, Jhajjar and the order dated 06.07.2012 passed by the Assistant Collector, 1st Grade, Matanhail, District Jhajjar.

The facts in brief leading to the filing of this appeal are that respondents No. 6 to 10 had applied for partition of land situated in Village Khachrauli, Tehsil Matanhail, District Jhajjar before the revenue authorities under Section 111 of the Punjab Land Revenue Act, 1887 (in short the Act) and ultimately after hearing the appellants as well as respondents No. 6 to 10, a mode of partition was determined and decided by the concerned revenue authorities as

envisaged under Sections 116 to 118 of the Act. Admittedly, no appeal or objection was raised by either of the parties to the mode of partition. Subsequently, naksha bey was prepared by the revenue authorities on the basis of the mode of partition which was objected to by the appellants before the revenue authorities. All the revenue authorities have rejected the appellants' objection by recording a concurrent finding of fact to the effect that the naksha bey and the ultimate partition made by metes and bounds were in accordance with the mode of partition and in accordance with law.

Before the learned Single Judge, the issues raised by the appellants were that the naksha bey was not in accordance with the mode of partition and that lands of two separate villages were clubbed which was not permissible. The aforesaid two contentions of the appellants have been extensively discussed by the learned Single Judge in paragraphs 6 and 7 of the impugned order, wherein the learned Single Judge has also reproduced the relevant portion of the order dated 28.06.2019 passed by the Financial Commissioner, wherein the factual aspects regarding violation of the mode of partition in the naksha bey etc. have been considered and a concurrent finding has been recorded that the naksha bey is in accordance with the mode of partition. The same dispute, as was raised by the appellants before the learned Single Judge, has been raised before this Court.

Having heard learned counsel for appellants and perused the record, we are of the considered opinion that there is no perversity or illegality in the order passed by the learned Single Judge. Evidently, the learned Single Judge has taken into consideration the fact that mode of partition was

established that the naksha bey was and is in accordance with the mode of partition; that the possession of the parties prior to partition was not sacrosanct and could be changed in terms and implementation of the mode of partition. Further, the land has been partitioned by keeping its value and quality in mind. Apparently, nothing has been placed before this Court to indicate that the aforesaid finding suffers from perversity warranting interference.

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

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.02.2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No