

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

**CWP No.7302 of 2021 (O&M)**  
**Date of Decision: 20.04.2021**

Rukmani

.....Petitioner

**VERSUS**

State of Haryana & Ors.

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Narinder Singh Behgal, AAG, Haryana,  
for respondent No.1.

**ALKA SARIN, J.**

Heard through video conferencing.

The present civil writ petition under Articles 226/227 of the Constitution of India has been filed praying for the issuance of a writ in the nature of mandamus or direction to respondent No.1 to decide the stay application in ROR No.80 of 2021 and further for directing respondent No.1 to hear and decide together ROR Nos.73 of 2021, 74 of 2021 and 80 of 2021.

In 2015, one Ranbir Singh filed an application for partition of land in Village Siwana, Tehsil and District Gurugram. Vide order dated 16.01.2018 'Naksha B' was approved. Against the order approving 'Naksha B', appeals were filed by some co-owners which appeals were dismissed on

03.05.2018. Vide order dated 15.05.2018 the 'Sanad Takseem' was approved. Revision petitions were filed against the orders dated 16.01.2018 and 03.05.2018 by some co-owners. Vide order dated 29.05.2018 the Commissioner, Gurugram Division stayed operation of both the orders i.e. orders dated 16.01.2018 and 03.05.2018. The revision petitions are stated to be still pending before the Commissioner, Gurugram Division.

The petitioner, who is daughter of Smt. Laxmi Devi, filed an application in the revision petition pending before the Commissioner, Gurugram Division for impleading herself and her three sisters as parties. According to the petitioner, Smt. Laxmi Devi was mother of Satya Narayan and upon his death on 07.08.2017 she alongwith the other heirs of Satya Narayan ought to have been impleaded as parties in the partition proceedings. Further, Smt. Laxmi Devi had died on 18.02.2018 leaving behind the petitioner and her three sisters as her heirs and it was thus prayed that they be impleaded as parties in the revision petition pending before the Commissioner, Gurugram Division. Vide order dated 21.01.2021 the Commissioner, Gurugram Division ordered impleadment of the petitioner in the revision petition pending before him. The Commissioner, Gurugram Division did not implead the three sisters of the petitioner in the revision petition pending before him.

Against the order dated 29.05.2018, Vatika Infracon Pvt. Ltd., who is representing respondent Nos.2 to 4, filed ROR No.73 of 2021 and ROR No.74 of 2021. In these RORs status quo has been ordered to be maintained. The petitioner also filed ROR No.80 of 2021 against the order dated 21.01.2021 passed by the Commissioner, Gurugram Division.

The grievance of the petitioner is that while ROR No.73 of 2021 and ROR No.74 of 2021 filed by Vatika Infracon Pvt. Ltd. are being heard together, ROR No.80 of 2021 filed by the petitioner is being heard separately and is stated to be fixed for hearing on 12.07.2021. According to counsel for the petitioner since all the three RORs arise out of the same partition proceedings, they should be heard together.

Since a copy of the civil writ petition had been served upon the office of the Advocate General, Haryana, Mr. Narinder Singh Behgal, AAG, Haryana has put in appearance for respondent No.1. Notices have not been issued to the private respondents.

I have heard learned counsel for the petitioner and the learned AAG, Haryana.

The paper book of the civil writ petition reveals that no request or application has been made by the petitioner to respondent No.1 for hearing all the three RORs together. In the absence of any such request having been made, this Court cannot exercise jurisdiction under Articles 226/227 of the Constitution of India and issue a writ of mandamus commanding respondent No.1 to hear and decide all the three RORs together. A petitioner who applies for a writ or order in the nature of a mandamus should, in compliance with a well known rule of practice, ordinarily, first call upon the authority concerned to discharge its legal obligation and show that it has refused or neglected to carry it out within a reasonable time before applying to a Court for such an order even where the alleged obligation is established.

In view of the above, the present petition is dismissed. However, liberty is granted to the petitioner to approach respondent No.1 by filing an appropriate application for hearing all the three RORs together or for such other appropriate relief. In case any such application is filed, the same be considered expeditiously by respondent No.1, in accordance with law.

Disposed off accordingly.

**( ALKA SARIN )  
JUDGE**

20 April, 2021  
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**NOTE:** Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO