

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

Sr. No.123

**Civil Writ Petition No.18082 of 2021
Date of Decision : September 13, 2021**

Ram Mehar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ajay Vijarania, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner has impugned order dated 23.04.2021 (Annexure P-4) whereby the Financial Commissioner has allowed the revision petition filed by the private respondents.

After issuance of the sanad takseem, the private respondents preferred challenge thereto before the Commissioner. The challenge failed and therefore, they approached the Financial Commissioner. The Financial Commissioner has returned a finding that the petitioner has been given more valuable land which is against the principles of partition. All parties are required to be given land of equal value and this principle cannot be violated even if possession of the parties is to be respected keeping in view the mode of partition.

Learned counsel for the petitioner has submitted that the learned Financial Commissioner has remanded the matter to the Assistant Collector 2nd Grade for a fresh decision. The entire proceedings will take a long time and thus, the impugned order deserves to be set aside.

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Nothing has been said regarding the finding aforementioned and thus, the impugned order is not liable to be set aside only on the ground of delay in decision of the partition proceedings. The petitioner is already in possession of his share and he is holding more valuable land. Thus, he should not be aggrieved on account of delay.

The writ petition has no merit and is dismissed.

September 13, 2021

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No