

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

Sr. No.116

**CWP-24576-2021 (O&M)
Date of decision : 03.12.2021**

Pushpa @ Pushpa Bansal and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajbir Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners had filed an application for partition of the land in dispute. Mode of partition was prepared against which respondent No.3 filed objections that partition be carried out considering the quality and value of land. The objections were dismissed and Naksha Bay was sanctioned. Thereafter, Naksha Zeem was also sanctioned and sanad takseem was issued on 12.07.2018. The sanad has been challenged by way of a revision filed before the Financial Commissioner and the revision has been allowed vide impugned order dated 01.03.2021. The matter has been remanded to the Assistant Collector for deciding the partition application afresh.

Learned counsel for the petitioners has submitted that the petitioners had purchased specific killa numbers by way of sale deed dated 02.01.2009. The mode of partition provided that possession of the parties was to be kept intact. No challenge was laid to the mode of partition and Naksha Bay by the third respondent and thus, the Financial Commissioner was in error in setting aside the sanad.

A perusal of the order of the Financial Commissioner shows that the third respondent had objected to the mode of partition. The

the sanad before challenging the same. It is, thus, incorrect to submit that there was no objection to the mode of partition. The impugned order states that the petitioners have been given more frontage on the metalled road and thus, have received more valuable land. This is against the principles of partition that all parties must be given land of equal value. On the basis of prior possession, the petitioner cannot claim more valuable land as a matter of right.

In view of above, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

03.12.2021
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No