

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

Sr. No.124

Civil Writ Petition No.336 of 2022

Date of decision : May 09, 2022

Jai Parkash

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sat Narain Yadav, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

During the course of partition proceedings, mode of partition was framed and *Naksha Bey* was called. The petitioner objected to the *Naksha Bey* on the ground of his possession having been disturbed whereas the mode of partition provided that possession had to be respected. The objections have been dismissed. Appeal and revision have also failed. The learned Financial Commissioner has held that the Assistant Collector as well as the Collector inspected the land and then rejected the objections. Parties have been given equal frontage on the main road and land of equal value has been allocated. Merely because adjustment of land in possession of the parties has been done it does not mean that the mode of partition has been violated.

Learned counsel for the petitioner has referred to site plan (Annexure P-3) i.e. *Naksha Bey* to submit that Killa No.6/1/1 and 122/10/1

shown in purple color were in the possession of the petitioner. These parcels of land have been allocated to the private respondent and thus, the authorities below were in error in rejecting the appeal and revisions.

The argument cannot be accepted because the land appears to have been equitably allocated to the parties. The petitioner has been given equal frontage on the Sihore-Kanina road as the private respondent and the parties have been allocated land in a consolidated '*chak*'. Simply because possession of Killa No.6/1/1 and 122/10/1 has been disturbed it does not mean that the Naksha Bey is contrary to the mode of partition as certain adjustment is required to be made to ensure that land is equitably partitioned. Thus, the findings of the learned Financial Commissioner cannot be held to be illegal.

The writ petition has no merit and is dismissed.

May 09, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No