

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

(105)

LPA-914-2021 (O&M)
Date of Decision:-29.08.2022.

Molu Ram

.....Appellant

Versus

Financial Commissioner (Revenue), Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. P.K. Ganga, Advocate for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral)

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Prayer in this application is for condonation of delay of 90 days in re-filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 90 days in re-filing the appeal stands condoned.

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Challenge in this appeal is to the judgment passed by the learned Single Judge dated 07.02.2020 whereby the writ petition preferred by the appellant challenging the orders dated 26.03.2019 (Annexure P-8), 03.04.2018 (Annexure P-7) and 12.09.2017 (Annexure P-6) whereby, the appeals/revisions preferred by the appellant/petitioner against the order dated 17.05.2017 (Annexure P-5) rejecting the objections to the *naksha bey*, has been dismissed.

It is the contention of the learned counsel for the appellant that

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the learned Single Judge has failed to take into consideration the fact that as per the terms of mode of partition wherever there was some construction, the said area had to be given to the person who had so carried out the construction. That apart, he asserts that a part of the land in the same *khasra* number has been given to the co-sharer, whereas, the petitioner had constructed a *dhani* in *khasra* Nos.23/2 and 24/2, which was always in possession of the petitioner and the possession having to be kept intact as per the mode of partition. The *naksha bey* which is contrary to the said mode cannot sustain.

We have considered the submissions made by the learned counsel for the appellant and have gone through the judgment passed by the learned Single Judge as well as the Revenue Authorities where the impugned orders have been passed initially rejecting the objections followed by dismissal of the appeals and revisions of the appellant. We have even gone through the site-plan (Annexure P-2) which has been placed on record after the orders of rejection have been passed by the competent authority. On perusal of these orders as well as site-plan we are not inclined to accept the prayer as has been made by the counsel for the appellant as in our considered view, the assertion of the counsel for the appellant is devoid of merit. The house where the petitioner is residing admittedly has been given during partition to the appellant. Obviously, the land had to be partitioned and, therefore, in that process, some of the area had to be adjusted in the process. *Khasra* Nos.23/2 and 24/2 are such pieces of land where each co-sharer, according to their respective share, had to be given the land. We do not find any illegality in the orders passed by

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the Revenue Authorities nor do we find any reason to interfere with the order passed by the learned Single Judge.

Finding no merit in the present appeal, we dismiss the same.

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In view of the dismissal of the main appeal, this application for stay of the order dated 07.02.2020 has been rendered infructuous and is disposed of as such.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ALOK JAIN)
JUDGE**

August 29, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No