

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

Sr. No.115

**Civil Writ Petition No.7472 of 2022
Date of Decision : April 08, 2022**

Tejpal

...Petitioner

Versus

Financial Commissioner, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bhunesh Lakhera, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner filed an application for partition of joint land in which after approval of mode of partition, *naksha bey* was called for. Petitioner filed objections thereto but he did not succeed. Appeal against the order accepting the *naksha bey*, however, succeeded and the matter was remanded for a fresh decision. Respondent No.4 challenged the appellate order by way of a revision petition which was allowed and further challenge by the petitioner by way of a revision petition before the Financial Commissioner has failed.

Argument of learned counsel for the petitioner is that in an earlier round of litigation, the Commissioner had directed the Assistant Collector to inspect the spot but the same was not done. Moreover, one of the conditions of the mode of partition that possession should be respected has been violated. Thus, the order passed by the Financial Commissioner cannot be sustained in law.

A perusal of the order of the Financial Commissioner shows that spot inspection was got conducted by the Assistant Collector through Halqa Girdawar. The same was in fact done in the presence of the parties and thus, the argument that spot inspection was not done cannot be accepted. The argument based upon mode of partition is also not entitled to be accepted as certain amount of adjustment has to be done while partitioning joint land. I have seen the *naksha bey* which is on record as Annexure P-11 and the same appears to be perfectly just and in accordance with principles of consolidation. Thus, no interference is called for.

The writ petition has no merit and is dismissed.

April 08, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No