

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

Sr. No. 113

**CWP-9482-2022 (O&M)
Date of decision : 06.05.2022**

Kinder Kaur and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikas Mehsempuri, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

Four separate applications were filed for partition of land comprised in different khewats. The partition proceedings commenced on 08.10.2013 and concluded on 19.12.2014. *Sanad* was issued on 21.05.2015.

A perusal of the record shows that the petitioners have the following grievances against the *sanad*:-

- (i) Proceedings were completed within ten hearings.
- (ii) Section 20 of the Punjab Land Revenue Act, 1887 having been violated.
- (iii) No opportunity granted to the parties to object to the Naksha Urra.
- (iv) Clubbing of land comprised in four separate khewats and
- (v) Grant of more valuable land to the private respondents.

The first argument raised is that the clubbing of four separate khewats in which the co-sharers were different was illegal. A query was raised by this Court, whether, the petitioners had objected to the order of clubbing. In response, learned counsel for the petitioners has taken the Court through order dated 17.09.2014 (Annexure P-3) to submit that the

order of clubbing was passed on the said date and the case was adjourned to 26.09.2014 calling for Naksha Arra. This shows that no opportunity was granted to the petitioners to object to the clubbing.

The argument is not acceptable. Even, if the case had been adjourned for Naksha Arra, the petitioner could have filed an application objecting to the order of clubbing. No such application having been filed, the petitioners are not entitled to argue that they were not granted opportunity to object to the clubbing.

It is next contended that the Financial Commissioner was in error in dismissing the revision petition on the ground that no objections were filed to the mode of partition. In fact, opportunity for the said purpose was not provided as is evident from order dated 04.06.2014 (Annexure P-2). In fact, two separate orders were passed on the same date, i.e. 04.06.2014, the other order being as reproduced at page No.12 of the writ petition, wherein, it has been recorded that none was present on behalf of the respondents and no objections had been filed to the Naksha Urra.

A perusal of the file shows that there is no denying the fact that two separate orders were passed on the same date, i.e. 04.06.2014. Vide the first order (reproduced at page No.12 of the writ petition), mode of partition was called for on 11.07.2014, whereas, vide the second order (Annexure P-2), mode of partition was approved and Naksha Arra was called for on 18.07.2014. This did not deprive the petitioners of an opportunity to object to the mode of partition by filing an application in that regard. No specific opportunity has been provided by the Assistant Collector, yet, the petitioners were required to be vigilant.

They have not been vigilant enough and thus, the Financial Commissioner was justified in recording that no objections were filed to the mode of partition.

No other argument has been raised.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

06.05.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No