

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

**LPA No. 366 of 2022 (O&M)
Date of Decision 13.05.2022**

Raj Singh (deceased) through his Lrs -----Appellant

Versus

State of Haryana and others ---Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vikram Singh, Advocate
for the appellant.

RITU BAHRI, J.

CM-958-LPA-2022

Application is allowed as prayed for.

Accordingly, amended memo of parties along with Annexures

A-1 and A-2 are taken on record

CM-924 & 926-LPA-2022

For the reasons mentioned in the application, delay of 326 days
in re-filing and 18 days in filing the appeal is condoned.

The applications stand allowed.

LPA-366-2022 (O&M)

The instant appeal filed under Clause X of the Letters Patent is
directed against the judgment dated 14.03.2019 passed by the learned Single
Judge dismissing the writ petition filed by the petitioner (appellant herein)

Heard learned counsel for the appellant at length.

It is not in dispute that Raj Singh (since deceased) filed an

application for partition of the land before the AC 1st Grade, who vide order dated 08.05.2011 approved the mode of partition, wherein it was mentioned that the land adjacent to the abadi will be allotted to all the shareholders. Thereafter, Naksha Bey was prepared against which Raj Kumar filed objections but the same were dismissed/rejected vide order dated 20.11.2006 by the AC 1st Grade. Final after hearing objections of the parties, the Naksha bey was finalized on 20.09.2006. Against this order, an appeal was filed before the Collector and the same was dismissed on 30.07.2007. Feeling aggrieved with this order, the appellant preferred revision petition, which was also dismissed on 18.11.2011. Thereafter, a petition bearing ROR No. 458 of 2011-12 was filed, which was also dismissed on 02.05.2018. Against all the impugned orders, the appellant preferred CWP No. 3080-2019, which was dismissed on 14.03.2019. Hence the present appeal.

After going through the impugned orders, the present appeal is liable to be dismissed as after inspecting the site, it has been held that Raj Singh (since deceased) purchased 15 marlas of land out of the land in Killa No. 12/16/1 and 24/1. The entire area of Killa No. 16/1, which is located near the abadi and pucca road was allotted to Raj Singh (since deceased) and Killa No. 24/2 which was situated near Phirni was allotted to all the co-sharers as per their share. Raj Singh (since deceased) also got his share in this piece of land. Killa No. 16/1 and 25/2/2 are not exactly adjacent but at same distance from each other. It was held that Killa No. 25/2/2 was at some distance from Phirni and is in possession of the respondents since long.

Learned counsel for the appellant has not been able to point out

any irregularity in the impugned orders.

Thus, the finding recorded by the learned Single Judge, would not warrant interference. No question of law warranting admission of the appeal would arise.

In view of the above, the appeal fails and the same is dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

13.05.2022
G Arora