

CWP-14432-2022

Date of Decision: 11.07.2022

Suraj Bhan @ Suraj Mal

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Balraj Singh Rathee, Advocate  
for the petitioner

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SUDHIR MITTAL, J. (Oral)

The petitioner had objected to the *Naksha Kha* but his objection was not upheld. He appealed before the Collector but without success. However, his revision succeeded. Meanwhile, the *sanad* was issued and, thus, revision petition was filed challenging the *sanad*. This revision petition has been dismissed vide order dated 20.05.2022 on the ground that certain adjustment is necessary keeping in view the facts and circumstances of the case and strict compliance with the mode of partition regarding possession not being disturbed, can not be insisted upon.

Learned counsel for the petitioner has submitted that the petitioner has been granted less land than his share whereas Rati Ram – respondent No. 4 (represented by his legal heirs) has been granted more land than his share. This is evident from *Naksha Kha*, a copy of which is on record as Annexure P-12.

Further, land of the petitioner has been bifurcated and the portion of land given across the path is only 11 marlas and is not cultivable.

The argument can not be accepted. More land of the petitioner has been utilized for provision of a *Khal* as most of the *Khal* is adjoining his land.

Further, if the petitioner is granted land in one consolidated *chuk* somebody else's

land will have to be bifurcated. Thus, the Financial Commissioner was justified in observing that some adjustment has to be made keeping in view the facts and circumstances of the case.

In view of the above, the writ petition has no merit and is dismissed.

11.07.2022  
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( SUDHIR MITTAL )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable :      | Yes/No |