

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

Sr. No.123

**Civil Writ Petition No.8704 of 2022
Date of Decision : May 17, 2022**

Atma Devi and others

...Petitioners

Versus

Financial Commissioner, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Man Mohan, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners were parties in a partition application filed by the private respondents. They objected to the partition on the ground of question of title being pending before the Civil Court. The objection was rejected and appeal and revisions filed against the order have failed. Thus, the present writ petition has been filed.

Learned counsel for the petitioners has submitted that two revision petitions were filed before the Financial Commissioner because two separate applications were filed for partition of land in two different khewats. Question of title was raised in both the partition applications.

It is submitted that the Financial Commissioner was in error in dismissing the revision petitions because a question of title is pending adjudication before the Civil Court. Although, the civil suit has been dismissed, appeal thereagainst is pending.

The partition applications were filed on 01.08.2012 whereas the civil suit being referred to by learned counsel for the petitioners was filed in

the year 2013. It is thus, evident that the civil suit was filed to keep the partition proceedings in abeyance. Section 117 of the Punjab Land Revenue Act, 1887 stipulates that if a question of title is involved, the Revenue Officer may decline to proceed further with the partition until the question has been determined by a competent Court. This signifies that if a question of title is pending as on the date of filing of the partition application, the Revenue Officer may refuse to proceed further with the partition. In the instant case, the civil suit has been filed after the presentation of the partition applications and thus, the authorities below were justified in dismissing the objection raised by the petitioners.

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

May 17, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No