

CWP-25896-2022

Date of Decision: 15.11.2022

Rajender and another

....Petitioners

VS

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 objected to the *Naksha Be* on the ground that tubewell was not kept joint between the parties. The objection was rejected by the Assistant Collector 1st Grade. Further, appeal and revisions have also been dismissed and, thus, the present writ petition has been filed.

Learned counsel for the petitioners has argued that tubewell in joint land must be kept joint. Thus, the orders of the authorities below were not sustainable in law.

A perusal of the order of the Commissioner dated 12.01.2017 shows that the petitioners have not been able to establish the jointness of the tubewell. The electricity connection for the said tubewell is in the name of the private respondent and he is paying the electricity bill for it. A party is entitled to dig a tubewell in joint land in his possession and, thus, the submission that the tubewell was joint in nature can not be accepted when there is no evidence to show that the same was constructed by utilization of joint funds. The finding of fact that the tubewell was not joint in nature has not been shown to be perverse and, thus, no interference is called for.

The writ petition has not merit and is dismissed.

15.11.2022

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(SUDHIR MITTAL)
JUDGEWhether speaking/reasoned
Whether Reportable :Yes/No
Yes/No