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

CWP-2317-2023

Date of decision : 06.02.2023

Ramphal and others

...Petitioners

Versus

Collector, Jind, District Jind and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Kundu, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside/quashing Sanad Takseem dated 19.07.2016 (Annexure P-4) and all the subsequent partition proceedings arising therefrom.

Learned State Counsel appearing on behalf of respondent Nos.1 and 2 has raised preliminary objections with respect to the maintainability of the present Civil Writ Petition and has submitted that since, the present partition proceedings were initiated in the year 2011 i.e., prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887, thus, even after issuance of Sanad Takseem, the revision would lie before the Financial Commissioner, Haryana. She has referred to the

order dated 12.05.2017 passed by a Coordinate Bench of this Court in **CWP-10182-2017 titled as Smt. Rajesh and others Vs. State of Haryana and others, judgment dated 21.11.2022** passed by a Coordinate Bench of this Court in **CWP-19481-2022 titled as Ramesh Vs. State of Haryana and others** as well as judgment passed by a Coordinate Bench of this Court in **Ram Gopal Vs. State of Haryana and others**, reported as **2009(11) RCR (Civil) 336**.

Keeping in view the stand taken by learned State Counsel as well as the law laid down in the abovesaid judgments and also the fact that since, the present partition proceedings were initiated in the year 2011 i.e., prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887, the present Civil Writ Petition is dismissed as the petitioners have an alternate remedy of filing a petition before the Financial Commissioner under Section 16 of the unamended Act.

It would be open to the petitioners to file an appropriate petition before the Financial Commissioner for challenging Sanad Takseem dated 19.07.2016 (Annexure P-4).

It is made clear that this Court has not opined on the merits of the present case and in case, any such petition is filed, then the Financial Commissioner would consider the same independently, on its merits, in accordance with law.

06.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No