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

CWP-4826-2022 (O&M)

Date of decision : 20.02.2023

Ramesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent Nos.1 to 4.

Mr. Arav Gupta, Advocate for respondent No.5.

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 the order dated 03.02.2022 (Annexure P-10), order dated 29.10.2021 (Annexure P-8), Sanad Takseem dated 12.08.2021 (Annexure P-5) and order dated 09.11.2020 (Annexure P-3) and all subsequent proceedings arising out of the same.

Learned counsel for the petitioner as well as respondent No.5 have jointly submitted that in the present case, the matter has been compromised and as per the same, it has been decided that the area

comprising in Khasra Nos.360/1 and 359/1/1 which is on the northern side is to be given to the petitioner-Ramesh Kumar and the area comprising in Khasra Nos.360/2 and 359/1/2 which is in the southern side and shown in yellow colour in Annexure P-12 (page 68-A of the paper book) is to be given to respondent No.5-Suresh Kumar. It is further submitted that both the petitioner and respondent No.5 have stated that they have no objection if *Sanad Takseem* is modified to the aforesaid extent and necessary mutation is entered thereupon and that both the parties would abide by the said terms of the compromise which shall not be called in question before any Court of law.

Learned counsel for the petitioner as well as respondent No.5 have filed their respective affidavits which are taken on record and marked as Mark-A and Mark B.

This Court has heard learned counsel for the petitioner and respondent No.5 and has perused the paper book.

The brief facts of the present case are that the present petitioner and respondent No.5 who are brothers are the only two co-sharers in the total land measuring 7 bighas situated in Khewat No.159-137, Khatauni No.181, Khasra Nos.359/1(2-0) and 360(5-0) and that respondent No.5-Suresh Kumar had filed an application for partition and *Sanad Takseem* was prepared on 12.08.2021. Since, the petitioner was aggrieved with the same, thus, challenge was made to the said *Sanad Takseem* by the petitioner before the various revenue authorities and the matter has now reached this Court. The petitioner as well as respondent

No.5 have entered into compromise and have submitted their respective affidavits and as per the same, it has been decided that the area comprising in Khasra Nos.360/1 and 359/1/1 which is on the northern side is to be given to the petitioner-Ramesh Kumar and the area comprising in Khasra Nos.360/2 and 359/1/2 which is in the southern side and shown in yellow colour in Annexure P-12 (page 68-A of the paper book) is to be given to respondent No.5-Suresh Kumar. It is further stated in the affidavits that both the petitioner and respondent No.5 have stated that they have no objection if *Sanad Takseem* is modified to the aforesaid extent and necessary mutation is entered thereupon and that both the parties would abide by the said terms of the compromise which shall not be called in question before any Court of law.

Keeping in view the abovesaid facts and circumstances and also keeping in view the consent between the parties and also the affidavits submitted by the present petitioner and respondent No.5, who are the only contesting parties in the present case, the present Civil Writ Petition is disposed of with the following directions:-

- 1) The land comprised in Khasra Nos.360/1 and 359/1/1 which is on the northern side as depicted in Annexure P-12 (page 68-A of the paper book) would be the land given to the petitioner and would be in his ownership.
- 2) The land comprised in Khasra Nos.360/2 and 359/1/2 which is in the southern side and is shown in yellow colour in Aks Sijra (Annexure P-12) (page 68-A of the paper book) would be the land

given to respondent No.5 and would be in his possession.

- 3) The Assistant Collector, IInd Grade, is directed to modify *Sanad Takseem* in accordance with the compromise entered into between the parties. The petitioner and respondent No.5 would appear before the Assistant Collector, IInd Grade, District Karnal on 27.02.2023 at 10:00 am alongwith certified copy of the present order and the Assistant Collector, IInd Grade, District Karnal is directed to carry out necessary modification in *Sanad Takseem* upto 27.03.2023.
- 4) Both the parties would be bound by the terms of the compromise/affidavits.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No