

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

CWP No.25196 of 2023

Date of Decision: 08.11.2023

Hardev Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for setting aside the order dated 16.09.2022 (Annexure P-5) passed by respondent No.1 whereby the revision petition filed by the petitioners was dismissed as well as the order dated 03.11.2017 (Annexure P-3) passed by respondent No.2 whereby the partition application filed by respondents No.3 to 15 was wrongly decided.

It has been contended by learned counsel for the petitioners that respondents No.3 to 15 filed an application for partition of land measuring 137 kanals 12 marlas comprised in Khewat No.10 of land measuring 24 kanals 15 marlas; Khewat No.11 of land measuring 102 kanals 5 marlas and Khewat No.12 of land measuring 12 kanals 10 marlas situated in village Shakoor, Tehsil and District Ferozepur. He has submitted that the respondents authorities have not summoned the private respondents by complying with the provisions of Section 20 of the Punjab

Land Revenue Act as neither the munadi was conducted nor any publication was made in the newspaper. He has submitted that Naksha URA was prepared without effecting the prior service upon the respondents. He submits that partition application was filed for the land measuring 137 kanals 12 marlas whereas Naksha URA was received for the land measuring 140 kanals. He submits that respondent No.2 decided the partition application vide order dated 03.11.2017 in violation of the terms and conditions of mode of partition. He further submits that Sanad was issued on 22.01.2018 without following the statutory provisions of Punjab Land Revenue Act. He submits that aggrieved by the order passed by respondent No.2, the petitioners filed the revision petition which was illegally dismissed by respondent No.1. He has submitted that in all there were three Khewats, however the same have been illegally clubbed. He submits that as the partition proceedings have been carried out against the mode of partition, thus the partition proceedings are totally unsustainable in the eyes of law. He further submits that impugned orders being unsustainable in the eyes of law, deserve to be set aside.

I have heard learned counsel for the petitioners and perused the material on record.

After hearing learned counsel for the petitioners and perusing the record, it is apparent that the partition proceedings were initiated at the behest of respondents No.3 to 15. Services were effected upon the respondents and the petitioners have duly appeared before the respondent-authorities. It is evident from the findings of the respondent-authorities

that by clubbing the land of all three khewats, the total land comes to be 140 kanals, however, due to the typographical mistake, the same was mentioned in the partition application as 137 kanals 12 marlas. It has been found by the authorities that the petitioners were in possession of excess land of 2 kanals 2 marlas prior to partition. The petitioners filed their objections which were appreciated and finding no merit in the same, the same were declined. All the Khasra numbers were duly mentioned in the partition application and the total land came to be 140 kanals, however the same was inadvertently mentioned as 137 kanals 12 marlas. It has been further found that the petitioners never raised any objection to Naksha URA. It has been found as observed by Assistant Collector, First Grade that the petitioners did not file any objections to the amended Naksha and hence, Naksha Ara & Iri were approved by following due procedure. There were no objections filed to the mode of partition and thus, the same was approved. Finally, the Sanad Taksim was issued. Thus, it is evident that proper procedure was followed by the authorities. The objections filed by the petitioners were also appreciated and dismissed.

Hence, this Court finds no infirmity in the impugned orders passed and thus, the present petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

08.11.2023

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No