

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

CWP-21431-2023

Date of decision : 25.09.2023

Jaspal Singh

.....Petitioner

versus

The Financial Commissioner (Revenue), Punjab and ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harmanpreet Sehgal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the impugned order dated 13.02.2023 (Annexure P-7) passed by the Financial Commissioner (Appeals), Punjab in ROR No.172 of 2014 in view of the fact that said order is perverse, illegal, arbitrary and has been passed against the provisions of Punjab Land Revenue Act, 1887.

It has been contended by counsel for the petitioner that respondent No.2 Jarnail Singh (now deceased) filed one application for partition of land measuring 21 kanals 14 marlas on 29.07.2013 before the Assistant Collector, Grade-I, Abohar and the Assistant Collector Grade-I, Abohar concluded the partition proceedings vide order dated 30.09.2013. Aggrieved by the same, petitioner filed an appeal before learned Sub Divisional Magistrate, Abohar however, during the pendency of the same, mode of partition was issued by the Assistant Collector, Grade-I, Abohar against which the petitioner approached learned Financial Commissioner (Appeals), Punjab by way of filing the revision petition i.e. ROR No.172

of 2014. He submits that learned Financial Commissioner (Appeals), Punjab vide impugned order dated 13.02.2023 dismissed the said petition by passing the impugned orders which is totally cryptic and non-speaking. He submits that learned Financial Commissioner has miserably failed to appreciate that the partition proceedings dated 30.09.2013 has been passed totally in violation of the law settled. He submits that the partition proceedings being violative of the terms and conditions of mode of partition, were totally illegal which the learned Financial Commissioner failed to appreciate. It is submitted that the impugned order has been passed totally on the basis of conjectures and surmises and thus, the same deserves to be *set aside*.

Heard. After hearing counsel for the petitioner and perusing the record, it is evident that the partition proceedings were initiated at the behest of Jarnail Singh, respondent No.1 (since deceased) represented through legal representative. After summoning the parties, the mode of partition was sanctioned on 18.09.2013 and thereafter, *naksha aira* and *naksha irri* were received on 30.09.2013. The learned Assistant Collector concluded the partition proceedings vide order dated 30.09.2013. Thereafter, petitioner had filed appeal before the Collector, Abohar on 10.01.2014. The *sanad takseem* was issued and proceedings of *dakhal* were initiated on 27.12.2013 and 27.01.2014. Thereafter, on completion of the partition, *sanad takseem* was issued. The revision filed against order dated 30.09.2013 was also dismissed by Financial Commissioner on 13.02.2023. On perusal of the record, it is apparent that the due process for the partition proceedings were adopted by following the terms and conditions of the mode of partition. The *sanad takseem* had already been

issued. The partition was effected as per the mode of partition and the due process as enumerated in Punjab Land Revenue Act has been followed. Reliance is placed on the judgment of this Hon'ble Court in 'Krishan and another Vs. State of Haryana' CWP No.7546 of 2020 decided on 05.06.2020, wherein, it was held that when mode of partition has been adhered to by the revenue Courts, impugned orders do not call for any interference.

Thus, this Court does not find any perversity in the order dated 13.02.2023 passed by the Financial Commissioner (Appeals), Punjab and resultantly, the petition being devoid of any merits is hereby dismissed.

25.09.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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