

116 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22009 of 2023 (O&M)

Date of Decision: 16.11.2023

Ram Sarup (Since deceased) through LRs and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J.

CM-19345-CWP-2023

Instant application has been filed for placing on record the copy of site plan as Annexure P-12 and be exempted from filing the certified copy of the same.

For the reasons recorded in the application, the same is allowed and copy of site plan is ordered to be taken on record as Annexure P-12.

CWP-22009-2023

Present writ petition has been filed for setting aside the order dated 05.09.2023 (Annexure P-11) passed by respondent No.1, order dated 26.05.2015 (Annexure P-9) passed by respondent No.2, order dated 12.03.2014 (Annexure P-7) passed by respondent No.3 and Sanad

Takseem dated 16.12.2023 (Annexure P-6) passed by respondent No.4 being wrong, illegal, contrary to the records available on file and has been passed in violation of principles of natural justice and thus not sustainable in the eyes of law.

It has been contended by learned counsel for the petitioners that the respondents had filed an application for partition of agricultural land measuring 111 Kanal and 16 Marla comprised in Khewat No.233, Khatauni No.258 situated in the revenue estate of village Ponkar Kheri, Tehsil and District Jind. He submits that the notice had been given to the petitioners and other co-sharers and thereafter, the mode of partition was approved. He submits that as per column No.3 of the mode of partition, it was settled that the tree, kotha, tube well were to be allotted to their respective owners. He submits that further it was settled that partition would be made by keeping the possession intact. He has submitted that the petitioners filed the objections to the Naksha Bey and it was pleaded that Killa No.16 in which the tube well of Ram Sarup was installed had been wrongly allotted to respondent Raj Kumar. He submits that the petitioners objected that they had been allotted less area of land abutting on 33 wide path. He submits that the petitioners were entitled for 1/3rd of the land adjoining the road. However, they had been given only 1 acre of front area whereas the respondents had been allotted more area abutting the road. He submits that respondent No.4 illegally dismissed the objections filed by the petitioners vide his report dated 03.06.2013. Aggrieved by the same, the petitioners filed an appeal before the Collector

but the Collector, Jind had directed to prepare the Sanad Taksim vide order dated 16.12.2023. He submits that appeal filed by the petitioners was dismissed by the Collector vide order dated 12.03.2014 on the ground that the Sanad Taksim had already been issued on 16.12.2013. Aggrieved by the same, the petitioners filed the revision petition before the Commissioner. However, the same was illegally dismissed by the Commissioner vide his order dated 26.05.2015. He submits that aggrieved by these orders, the petitioners filed the revision petition under Section 16 of the Punjab Land Revenue Act. However, the same was illegally dismissed by the learned Financial Commissioner vide impugned order dated 05.09.2023. It has been submitted by learned counsel for the petitioners that the impugned orders totally being cryptic and against the mode of partition, deserve to be quashed.

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 the respondents. Notices was issued to the petitioners and the co-sharers and all the parties were heard by the respondents authorities. Due opportunity for filing their objections were granted. Terms and conditions as approved in the mode of partition were perused and followed while carrying out the partition proceedings. After hearing the objections, Sanad Taksim was issued on 16.12.2013. It was found that Naksha Kha was in conformity with the mode of partition. As it was

agreed that the partition would be carried out by keeping the possession intact, thus, the same was given due priority and the partition proceedings were carried out.

Learned counsel for the petitioners has invited the attention of this Court to the map produced. On perusal of the same, it is apparent that all the co-sharers have been allotted the land after partition by giving frontage to all of them from the main road. Though the frontage area given to the petitioners is less than that of the co-sharers, however, as the possession was to be kept intact, the respondents authorities have not disturbed the possession of all the parties as it was prior to the partition. The objections filed were appreciated and Naksha Kha was amended to allot Killa No.84//16 with Tubewell to the petitioners.

Hence, in the over all facts and circumstances of the case, this Court does not find any material illegality in carrying out the partition proceedings. All the authorities have given the concurrent finding of facts against the petitioners. Accordingly, this Court finds no perversity in the impugned orders passed. Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)

JUDGE

16.11.2023

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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No