

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

CWP-25941-2023

Decided on 20.11.2023

Jagdish

... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagjeet Beniwal, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the impugned order dated 04.07.2023 (Annexure P-9) passed by respondent No.1 in ROR No.291/2022-23 being totally non-speaking, amended mode of partition dated 27.06.2013 (Annexure P-4), amended Naksha Bey dated 04.10.2019 (Annexure P-5), impugned order dated 05.01.2022 (Annexure P-7) and Sanad Taksim dated 15.02.2022 (Annexure P-8) passed by the Assistant Collector IInd Grade, Alewa. Further prayer is for setting aside the entire partition proceeding as the same have been carried out totally in violation of Punjab Land Revenue Act, 1887.

It has been contended by learned counsel for the petitioner that respondent No.4 filed an application for partition of land measuring 188 K 13 M comprising in Khewat 52 Khatoni No.67 to 70 vide Jamabandi 2002-03 situated in the revenue estate of village Chuhadpur, Tehsil Alewa, District Jind on 22.05.2008. He submits that respondent No.3 vide order dated 27.06.2013 prepared amended mode of partition and as per mode of partition, the possession, kind and value of the land was to be taken into consideration while partitioning of land. He submits that Naksha Bey was prepared on 04.10.2019,

but the respondent-authorities have wrongly and illegally disturbed the possession of the petitioner over Killa No.14, 15 and 20/2 without any justification. He submits that the land allotted to the petitioner is not cultivable as the petitioner has been allotted 200 Karams of land in length which is not feasible for cultivation. It is submitted that aggrieved by amended mode of partition vide order dated 04.10.2019, the petitioner filed objections to the same on 11.02.2020, however, respondent No.3 without going into the objections has illegally dismissed the same vide order dated 05.01.2022. He submits that Sanad Taksim was illegally issued on 15.02.2022 without obtaining Naksha Zeem. He submits that the petitioner filed the revision petition before respondent No.1, however, respondent No.1 has drawn wrong conclusion in dismissing the same by passing non-speaking order dated 04.07.2023. He submits that the partition proceedings being totally illegal, deserves to be set aside.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the partition proceedings were initiated at the behest of respondent No.4. The petitioner was served with a notice and on hearing the objections, the mode of partition was approved as well. Naksha Bey was prepared on 04.10.2019 and the petitioner was granted liberty of filing the objections. After considering the objections filed by the petitioner, the same were declined finding no merit in the same. As per mode of partition, it was agreed that road would be given according to the share and the partition of rest of the land would be made while keeping the possession intact. However, it was agreed that 5 tak would be created and out of which 1 tak was to be made for respondent No.4 and one tak for the petitioner. On perusal of the partition

proceedings carried out, it was found that out of total length of 90 karams abutting the Jind-Kaithal road, the petitioners before the revisional Court which included the petitioner in the present petition, were given 13 karams, whereas, they claimed 15 karams. It was further found that as Killa No.16//20//2/3 was triangular in shape, hence, Khewat No.5 was given disproportionately. As there was no other better solution than the one which was adopted and thus, there was no material irregularities found to have been committed in the partition proceedings. Hence, in the considered opinion of this Court, the partition proceedings carried out do not suffer from any infirmity and the submissions made by counsel for the petitioner are totally misconceived. Thus, the present petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

20.11.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No