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

CWP-2888-2024

Date of decision : 09.04.2024

Arjun Singh Since Deceased Through LRs

.....Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parveen Kumar, Advocate
for the petitioners.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing/setting aside the impugned order dated 01.12.2023 (Annexure P-6) passed by respondent No.2 whereby the impugned order pertaining to Mode of Partition (Annexure P-3) and Sanad Taksim dated 23.04.2018 (Annexure P-4) have been upheld illegally and arbitrarily. Further prayer has been made for staying the execution of the warrant of possession during the pendency of present writ petition as the dispossession of the petitioner would cause irreparable loss to his standing crops. Further prayer has been made for remanding back the case to respondent No.3 by setting aside the impugned orders (Annexures P-3, P-4 and P-6) and decide the same after giving an opportunity to the LRs of the petitioner to be impleaded in the proceeding.

It has been submitted by counsel for the petitioner that the partition proceedings were initiated for the land under partition by the respondents on 22.09.2003. Thereafter, the mode of partition was

approved and finally the *sanad taksim* was issued on 23.04.2018. It has been submitted by counsel for the petitioners that father of the petitioners namely, Arjun Singh died on 28.09.2011 but they were not impleaded as LR's of their father and hence, the final instrument of partition i.e. *sanad taksim* was issued on 23.04.2018 without impleading the petitioners in the partition proceedings. He submits that on coming to know about the ongoing partition proceedings, the petitioners filed the revision before the learned Financial Commissioner. However, without appreciating the facts and circumstances of the case and the law settled, learned Financial Commissioner illegally dismissed the same vide impugned order dated 01.12.2023. He submits that the proper procedure under Section 20 of the Punjab Land Revenue Act, 1887 was not adopted and as there was no effective service of summons on the petitioners, thus, the impugned order being in violation of the principles of natural justice deserves to be *set aside*.

Heard. On hearing counsel for the petitioners and perusing the record, it is apparent that the partition proceedings were initiated by the respondents way back on 22.09.2003. As evident from the perusal of the impugned order, the partition proceedings were initiated and father of petitioners namely, Arjun Singh was represented through Advocate Satish Kumar Sidhu who filed his *vakalatnama* on 04.11.2003. Father of the petitioners was duly represented through counsel till his death on 28.09.2011. The mode of partition was approved and Condition No.2 reads as follows:-

“Possession are to kept intact, quality of land be taken into account and be compensated accordingly from other khewat.”

On perusal of the mode of partition it emanates that as per Condition No.2 though the possession was to be kept intact but the quality of the land was also to be taken into account for partitioning the land. Counsel for the petitioners has invited the attention of this Court to the site plan of the land partitioned. It is evident that the petitioners have been allotted the land in one single chak and thus, there was no bifurcation of the land allotted to them. Besides this, as the value of the land was also to be taken into consideration, counsel for the petitioners failed to point out any violation of the mode of partition. As discussed above, father of the petitioners was duly represented in the partition proceedings uptill his death, thus, the pendency of the partition proceedings were very much in the knowledge of the petitioners.

In the overall facts and circumstances of the case, this Court does not find any material prejudice caused to the petitioners with the issuance of *sanad taksim*. Thus, the petitioners have raised arguments regarding their non-impleadment as LR's on the death of their father in the proceedings which was very much in their knowledge but have failed to substantiate the contention that any patent illegality or material prejudice has been caused to them in the partition proceedings arrived at between the parties. Hence, finding no infirmity in the impugned order passed, the present petition is dismissed being devoid of any merits.

09.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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