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

CWP No.4861 of 2024

Date of Decision: 01.03.2024

Hariram

..... Petitioner

Versus

Commissioner, Hisar Division, Hisar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Suraj Bhan Panchal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for quashing the impugned order dated 09.09.2019 (Annexure P-1) passed by learned Assistant Collector, 1st Grade-cum-Sub Tehsildar, Uchana, District Jind (respondent No.3); order dated 08.08.2022 (Annexure P-2) passed by learned Commissioner Hisar Division, Hisar and order dated 23.04.2021 (Annexure P-3) passed by learned Collector, Narwana, District Hisar vide which the learned Assistant Collector 1st Grade-cum-Sub Tehsildar, Uchana has passed the illegal and non speaking order against the petitioner vide which the petitioner has been declared as owner of this land and appeal filed by respondents No.4 & 5 has also been dismissed.

It has been submitted by learned counsel for the petitioner that respondent No.4 had filed an application dated 13.10.2017 for

partition of land measuring 104 Kanals 6 Marlas comprised in Khewat No.6122/150 as per Jamabandi for the year 2013-14. He has submitted that while completing all the formalities, the Assistant Collector 1st Grade-respondent No.3 dismissed the objections filed by the petitioner on the mode of partition and thus approved the same on 09.09.2019. He has submitted that being aggrieved by the same, the petitioner filed an appeal before the Collector, Narwana, who illegally dismissed the same vide his order dated 23.04.2021. Still being aggrieved, the petitioner filed the revision petition before the Commissioner, Hisar Division, Hisar but the learned Commissioner equally had fallen in error and thus without appreciating the evidence on record, dismissed the same vide his order dated 08.08.2022. He has submitted that the impugned orders have been passed without appreciating the evidence on record and thus, the same have seriously prejudiced the petitioner.

Heard.

On 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 whereby an application for partition of the land was filed. After hearing the objections filed, the mode of partition was approved on 09.09.2019. It has been found on perusal of the revenue record that the family partition of entire land of the Khewat was carried out a long time ago and written version of the same was also presented on the file. Type of the land was found to be same throughout. Thus, the appeal filed by the petitioner was dismissed by the Collector on 23.04.2021. The petitioner assailed the same by way of filing the revision

petition before the Commissioner. The parties were heard again and the evidence on record was re-appreciated. It was established that the compromise for mutual partition was made on 11.06.1999 and 02.12.2002. Both the parties were in possession of their respective share as per the compromise arrived. No difference in the nature of the land was found, thus value of the land in possession of both the sides was also not found at variance. Rather, it was found that the petitioner had dug upto 3 feet of soil from the land under his possession and thus the possession of the land could also not be controverted by the petitioner. Keeping in view the overall facts and circumstances, the Revenue Authorities have finalized the partition proceedings.

Thus, no material illegality is found to have been committed in effecting the partition proceedings. Resultantly, this Court does not find any infirmity in the impugned orders passed, hence, the present petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

01.03.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No