

122

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16173-2024 (O/M)

Date of decision : 17.07.2024

Surta Ram and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

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

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition is for issuance of a writ in the nature of certiorari for setting aside the orders dated 03.04.2024 and 27.08.2019 (Annexure P-13 and Annexure P-11, respectively), passed by respondent No. 2 and respondent No. 3, respectively and also the orders dated 29.11.2018 and 05.12.2018 (Annexure P-8 and Annexure P-9, respectively), passed by respondent No. 4 (Assistant Collector 2nd Grade, Ladwa, District Kurukshetra).

2. Briefly, respondents No. 5 and 6 herein filed three applications, seeking partition of Khewat No. 64 (90 Kanal 15 Marla), Khewat No. 14 (21 Kanal 18 Marla) and Khewat No. 40 (23 Kanal 8 Marla), situated in village Jandhera, Hadbast No. 66, Tehsil Ladwa, District Kurukshetra.

2.1 As per pleaded case of the petitioners, all the three Khewats were clubbed together and statements of the parties were recorded, whereupon mode of partition was proposed and sanctioned. It appears that thereafter Naksha 'Be' was

called for from the Field Staff, upon which objections were submitted by petitioners, however, the said objections came to be dismissed by the Assistant Collector 1st Grade, Ladwa, vide order dated 29.11.2018 (Annexure P-8), whereupon Naksha 'Zeem' was called for, which was accepted on 05.12.2018 (Annexure P-9).

2.2 It transpires that the petitioners challenged the aforesaid orders dated 29.11.2018 and 05.12.2018 (Annexure P-8 and Annexure P-9, respectively) by filing an appeal before the learned Collector, Kurukshetra, however, the same was dismissed, vide order dated 27.08.2019 (Annexure P-11) and further revision filed by petitioners before the learned Divisional Commissioner, Ambala Division, Ambala Cantt., was also dismissed on 03.04.2024 (Annexure P-13).

3. In the aforementioned circumstances, the petitioners have filed the instant writ petition before this Court for the relief, as noticed above.

4. While referring to Naksha 'Be' (Annexure P-5), the only objection/demand raised by learned counsel for petitioners is that they (petitioners) should be provided passage to their block of land allocated to them during partition proceeding i.e. Killa Nos. 23, 24 and 27; through killa line falling on southern side of Killa Nos. 15 and 16.

5. I have heard learned counsel for the petitioners, however, a perusal of Naksha 'Be'/Site Plan (Annexure P-5 at page 32) reveals that during partition, petitioners have been allocated land by formulating compact blocks in terms of sanctioned mode of partition. Further, it is not disputed by learned counsel for petitioners that their allocated area in Killa Nos. 23, 24 and 27 has been provided with passage from Killa line falling on southern side of Killa Nos. 18 and 17 and further going through killa line bifurcating Killa Nos. 17 and 22.

5.1 If the demand raised by the petitioners is accepted, that would amount to bifurcating the land of other co-sharer, who has been allocated killa Nos. 15, 16, 17 and 18, which is not tenable.

6. The partition appears to be fair and equitable and it is not shown as to what prejudice has been caused to petitioners by the manner in which partition has been carried out. Therefore, there is no scope of any interference in the impugned orders.

7. Accordingly, the instant writ petition fails and the same is dismissed.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

17.07.2024
sjks

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