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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16337-2024 (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-14 and Annexure P-12, 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-9 and Annexure P-10, respectively), passed by respondent No. 4 (Assistant Collector 2nd Grade, Ladwa, District Kurukshetra).

2. Briefly, respondents No. 5 and 6 herein filed four applications, seeking partition of Khewat No. 48 (47 Kanal 0 Marla) and Khewat No. 63 (27 Kanal 12 Marla), Khewat No. 37 (46 Kanal 9 Marla) and Khewat No. 11 (8 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 four Khewats were clubbed together and statements of the parties were recorded and thereafter, mode

of partition was proposed and subsequently sanctioned. Thereafter, Naksha 'Be' was called for from the Field Staff, to which the objections were called for by the Assistant Collector 2nd Grade, Ladwa. The petitioners submitted their objections, which were opposed by private respondents. After hearing the parties, the objections submitted by the petitioners to Naksha 'Be' was dismissed by the Assistant Collector, vide order dated 29.11.2018 (Annexure P-9) and thereafter, Naksha 'Zeem' was called for from the Field Staff and upon receipt of the same, Naksha 'Zeem' was accepted.

3. Being aggrieved against the aforesaid order dated 29.11.2018 (Annexure P-9) and order dated 05.12.2018 (Annexure P-10), passed by Assistant Collector 2nd Grade-cum-Tehsildar, Ladwa, the petitioners preferred an appeal before the learned Collector, Kurukshetra, which came to be dismissed, vide order dated 27.08.2019 (Annexure P-12) and further a revision filed by the petitioners before the Divisional Commissioner, Ambala Division was also dismissed on 03.04.2024 (Annexure P-14).

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

5. The sole contention raised by learned counsel for petitioners is that the area allocated to the private respondents out of Killa No. 815 (on the upper side of this killa touching Killa No. 774) be given to the petitioners and in lieu thereof, private respondents should be adjusted in other block by giving them area adjacent to their land in Killa No. 665.

6. I have heard learned counsel for petitioners, perused the paper book and have also considered the site plan (Annexure P-6 at page 36 of the writ petition).

7. From the perusal of Naksha 'Be'/Site Plan (Annexure P-6), the

objections raised by the petitioners on the face of it appear to be baseless. Apparently, compact blocks of land have been carved out during partition and allocated to respective co-sharers.

8. Learned counsel for petitioners has failed to indicate as to which clause of the mode of partition has been violated. It is also not shown as to what prejudice has been caused to the petitioners by the manner, in which the partition has been carried out. The partition appears to be fair and equitable. Therefore, there is no scope of any interference in the impugned orders.

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

10. 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