



CWP-28371-2018 (O&M)

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220

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28371-2018 (O&M)
Date of Decision: 25.10.2024

Parmela

....Petitioner

Versus

Sanjay and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Sunny, Advocate for
Mr. Saurabh Dalal, Advocate
for respondent No.2.

Mr. Amit Jain, Senior Advocate assisted by
Mr. Anupam Mathur, Advocate
for respondents No.1 to 3 and 8 to 17.

Mr. Praveen Chander Goyal, Addl. A.G., Haryana.

HARSH BUNGER, J. (Oral)

1. This petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing order dated 10.09.2018 (Annexure P-1).
2. The only argument raised by learned counsel for the petitioner is that in the final partition, the petitioner has been allocated land which is in 4 different parcels, thereby rendering the land uncultivable.
3. Clause 3 of the Mode of Partition (Annexure P-6) clearly provides that the partition shall be carried out by keeping in view the nature, possession, value, kind and situation of the land.
4. A perusal of the *Aks Shajra* (Annexure P-4) reveals that the land under partition is not a contiguous chunk of land but same is comprised



in 7 separate parcels of land. The Petitioner has been allocated land in separate blocks as per the share, out of which one of the blocks is on the main Rohtak-Gohana road, which is more valuable. It is not disputed that the petitioner has been allocated frontage on the main road itself. As regards the allocation of land to petitioner in other block(s), it is conceded by learned counsel for the petitioner that the value of the land situated in different blocks is also different.

5. In this view of the matter, when the value of land under partition located in separate/several blocks, is different, the parties have to be allocated land in different blocks, as per their shares; subject to other conditions in sanctioned Mode of Partition. It has not been shown as to what prejudice has been caused to the petitioner by the manner in which final partition has been carried out.

6. Considering the totality of circumstances, partition (as carried out), appears to be fair, just and equitable. Therefore, finding no merit in this Writ Petition, the same is dismissed.

7. All pending application(s), if any, shall stand closed.

25.10.2024
Himani

(HARSH BUNGER)
JUDGE

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