

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28014-2024 (O/M)
Date of decision : 18.10.2024

Parmila Petitioner(s)

Versus

State of Haryana and others Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Rahul Gautam, Mr. Aman Gautam,
Mr. Phalit Batra, Advocates
for the petitioner(s).

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Parmila) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 02.11.2023 (Annexure P-11), passed by learned Additional Collector 1st Grade, Dhand, District Kaithal, whereby sanad takseem (instrument of partition) was formulated. A further prayer has been made for quashing the orders dated 03.08.2023 and 19.10.2023, whereby Naksha 'Bey' and Naksha 'Jeem' were approved, respectively and suit property was arbitrarily and illegally partitioned.

2. Briefly, on 07.09.2017, respondent No. 5 (Gopal son of Baru) filed an application for partition of joint land comprised in Khewat

No. 439, situated at village Pabnawa, Tehsil Dhand, District Kaithal as per jamabandi for the year 2013-14.

2.1 It appears that in the aforesaid partition proceedings, Naksha 'Bey' and Naksha 'Jeem' were approved, vide orders dated 03.08.2023 and 19.10.2023, respectively. Subsequently, sanad takseem dated 02.11.2023 (Annexure P-1) was also issued.

2.2 Being aggrieved against the aforesaid partition proceedings/sanad takseem, the petitioner has preferred the present writ petition.

2.3 Learned counsel for the petitioner has impugned the above referred partitioned orders/sanad takseem primarily on the ground that the petitioner was not impleaded as a party in the partition proceedings and no opportunity was afforded to her to file objections to Naksha 'Bey' Naksha 'Jeem' and sanad takseem.

3. I have heard learned counsel for the petitioner and have also perused the paperbook with his able assistance.

4. Apparently, respondent No. 5 instituted the partition proceedings on 07.09.2017 whereas, as per the pleaded case of the petitioner, she purchased some part of joint land, vide sale deed No. 3204, dated 13.01.2022 and sale deed No. 654, dated 26.05.2022. It is thus evident that the petitioner purchased the land during the pendency of partition proceedings, accordingly, there was no occasion to implead the petitioner as a party respondent in the partition proceedings. The petitioner would be entitled to claim her share of land from the land, which has been allotted to her vendor in the partition proceedings.

5. In view of the above, I do not find any merit in the present writ petition and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

18.10.2024
sjks

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