

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA-1847-2023 (O&M)
Date of decision: 27.02.2024

Chanchal Singh

..... Appellant

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.A.P. Kaushal, Advocate for
Mr.Navjot Singh, Advocate for the appellant

Deepak Sibal, J.

1. The present intra Court appeal arises out of judgment dated 19.10.2023 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him to challenge therein the concurrent findings recorded against him by the revenue authorities.

2. After hearing learned counsel for the appellant and going through the impugned judgment we find that an application was filed by respondent Nos.6 to 8 before the Naib Tehsildar-cum-Assistant Collector First Grade, Gurdaspur (for short – AC) seeking therein partition of land measuring 128 kanals situated in village Bhumbli, tehsil and district Gurdaspur. A reply to the application of respondent Nos.6 to 8 was filed by the appellant to which respondent Nos.6 to 8 filed a replication. Thereafter *Naksha Urra* was prepared. The matter was then posted for preparing the proposed mode of partition when learned counsel for both the parties submitted that the partition of land be made by keeping the possession of the parties intact as also that *qua* khasra Nos.1, 2, 3 which were in possession of the appellant a separate *khura* be made as also that 2 kanal 9 marla of land in khasra No.137, which land was

not part of the joint land, be excluded from *Naksha Urra*. After considering the statements made on behalf of both the parties, on the direction of the AC, the area Kanungo prepared *Naksha Zeem* to which the appellant filed objections after hearing of which the amended *Naksha Zeem* was prepared. In spite of grant of various opportunities the appellant did not file any objection to the amended *Naksha Zeem* leading to its approval and consequent ordering of the partition of land in question. The appellant filed an appeal against the order of the AC which was dismissed by the Commissioner through a speaking and reasoned order. The appellant then challenged the order of the Commissioner before the Financial Commissioner which challenge of his was also rejected. Thereafter, the appellant challenged the aforesaid orders by filing of a writ petition before this Court. After considering the merits and the reasoning given by all the revenue authorities the learned Single Judge has dismissed the appellant's writ petition.

3. After having gone through the concurrent findings of the revenue authorities as also the observations of the learned Single Judge we find that there is no reason for us to interfere especially when the amended *Naksha Zeem*, on the basis whereof partition of the land in question has been ordered, was made after considering the pleas of all the contesting parties which includes the appellant as also because, to the amended *Naksha Zeem*, the appellant, in spite of grant of adequate opportunities did not file any objection.

4. Dismissed.

(Deepak Sibal)
Judge

27.02.2024
gk

(Deepak Manchanda)
Judge

Whether speaking/reasoned
Whether reportable

: Yes / No
: Yes / No