

LPA-611-2025 (O&M)

2025.PHHC.111257-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**LPA-611-2025 (O&M).
Date of decision: 22.08.2025**

AZAD SINGH AND OTHERS

..... Appellant(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Ajay Kumar Gupta, Advocate
for appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 21.10.2024, passed by learned Single Bench, whereby CWP-11952-2024, filed by appellants/writ petitioners has been dismissed.

2. Brief facts necessary for adjudication of the matter are that CWP-11952-2024 was filed by appellants-writ petitioners, for setting aside order dated 03.10.2022, passed by Assistant Collector 1st Grade-cum-Tehsildar, Sonipat and order dated 22.02.2024, passed by Commissioner, Rohtak Division, Rohtak. It is pleaded in the writ petition that respondent no.5 filed an application for partition of joint land comprised in Khewat No.31 measuring 17 Kanals 02 Marlas in village Machrolla, District Sonipat, as per Jamabandi 2016-2017. It is pleaded that this application was filed in collusion with respondents no.6 and 7. Writ petitioners were also impleaded as respondents. Partition proceedings were concluded with order dated

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03.10.2022 being passed by the Assistant Collector, Ist Grade/Tehsildar, Sonipat, while noting that vide order dated 27.05.2022, *Naksha 'Kha'* was drawn. Appeal filed by present appellants challenging order dated 03.10.2022 was dismissed on 22.02.2024 by Commissioner, Rohtak Range, Rohtak.

3. Aggrieved therefrom CWP-11952-2024 was filed by appellants challenging orders dated 22.02.2024 and 03.10.2022.

4. Submissions on behalf of petitioners before learned Single Bench to the effect that power of attorney filed on their behalf had been wrongly relied upon because there is no date or name mentioned therein and same is an outcome of fraud played by respondent – Balbir Singh upon them, were not accepted. Arguments raised on behalf of present appellants that they never received any notice and that when counsel was not engaged by them, there can be no reliance on any statement suffered by him were found to be devoid of any merit. It was taken note of that petitioners had not filed any objection to *Naksha 'Kha'*. Learned Single Bench dismissed CWP-11952-2024, vide impugned order dated 21.10.2024, while observing as under:-

4.1 A perusal of aforesaid observations would manifest that there were total four cases between the parties, whereas petitioners have not raised any challenge in other three cases. As regards the contention raised on behalf of petitioners that they have never engaged any counsel nor any documents were signed by them, it is observed that learned Divisional Commissioner has recorded a finding that on Power of Attorney (Annexure P-2), the signatures of petitioners are there. I have seen the said signatures on Annexure P-2 and compared the same with naked eye with the signatures of the petitioners on the Vakalatnama attached with the instant writ petition and they appear to be similar.

4.2 It is further noticeable that the partition application was filed by respondent No. 5 (Balbir Singh) against present petitioners as well as respondents No. 6 and 7, who are all

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real brothers. The present petitioners as well as respondents No. 6 and 7 were all represented by their counsel Shri Bijender Singh, Advocate. Evidently, respondents No. 6 and 7 have not raised any challenge to order(s) passed by learned Assistant Collector.

4.3 Furthermore, from a perusal of complaint (Annexure P-9), submitted by petitioners before Police Commissioner, Sonipat, it is made out that the petitioners have made allegations as regards forged power of attorney against their brother Balbir Singh (respondent No. 5 herein) only, who had filed the partition application. There is no allegation against his other brothers, namely, respondents No. 6 and 7 herein nor there is any complaint against counsel, who had appeared for them. It is apparent that the petitioners have challenged the partition proceedings with some oblique motive.

4.4 That apart, learned counsel for petitioners has failed to point out as to what prejudice/loss has been caused to the petitioners with the manner in which the partition has been conducted, so as to warrant interference by this Court.

5. Aggrieved therefrom present appeal has been filed.

6. Learned counsel for appellants vehemently argued that learned Single Bench has grossly erred on facts and in law while dismissing CWP-11952-2024 filed by present appellants vide order dated 21.10.2024. Reference was made by learned counsel for appellants to a site plan attached as Annexure A-4 and a copy of mode of partition (*Sanad Taksim*) dated 03.10.2022 (though, said documents do not form part of record of learned Writ Court and are sought to be placed on record alongwith a separate application) to submit that most valuable land has been given to respondent no.5 - Balbir Singh. It was submitted that clear cut collusion between said Balbir Singh and respondents no.6 & 7 is apparent. At no stage had any power of attorney been given by present appellants nor a counsel engaged by them. In this factual

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matrix present appeal should be allowed. Moreover, mode of partition has fragmented the land into narrow portions, which cannot be cultivated in a proper manner and partition is in fact opposed to mode of partition dated 03.10.2022, itself. As per Clause 9 of mode of partition, it is specifically provided that tubewell should be given to the same party and number of portions be carved alongwith tubewell and value & category of land should be kept in view and it is in view thereof that possession may be transferred. It was thus, prayed that this appeal be allowed and writ petition be allowed as prayed for.

7. We heard learned counsel for appellants at length and have perused the file but do not find any ground whatsoever to cause interference in the matter. It is specifically noted by learned Single Bench that there were a total of four cases between the parties whereas appellants-writ petitioners have not raised any challenge in respect of other three matters. It is further observed by learned Single Bench that signatures on Annexure P-2 i.e. Power of Attorney, has been compared with naked eye by him with signatures of petitioners on the Power of Attorney (*Vakalatnama*) attached with writ petition itself and they appear to be similar. We do not find anything to the contrary on record. It is further a matter of record that petitioners did not file any objection to *Naksha 'Kha'*. Learned counsel for appellant was unable to substantiate the bald averment that a fraud has been played upon them, therefore, entire partition proceedings stand vitiated. Reliance upon documents Annexures A1 to A6, now sought to be placed on record also do not come to the aid of appellants, even if it is permitted to be taken on record, though it is to be noted that no sufficient reason has been pleaded or is forthcoming for admitting the said documents at this stage.

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8. Learned counsel for appellant was unable to point out any infirmity, irregularity or perversity in the impugned order dated 21.10.2024, passed by learned Single Bench, which is accordingly upheld.

9. No other argument was addressed.

10. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

11. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

22.08.2025

Sunil

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