

135

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1369-2025 (O/M)

Date of decision : 08.09.2025

Chander Pati and others

..... Petitioners

Versus

Financial Commissioner (Revenue), Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Maninder Arora, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG Haryana.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the sanad taskeem (instrument of partition) dated 21.01.2019 (Annexure P-7).

1.1 A further prayer has been made for setting aside the order dated 05.04.2021 (Annexure P-9), passed by learned Collector, Sub Division Jind and also order dated 14.10.2024 (Annexure P-1), passed by learned Financial Commissioner, Haryana (in short 'Financial Commissioner').

2. Briefly, respondents No. 2 and 3 herein filed an application, seeking partition of joint land, comprised in Khewat No. 26//24 (as per jamabandi for the year 2013-14), situated at village Khanda, Tehsil Alewa, District Jind.

2.1 The petitioners appeared in the aforesaid partition proceedings, wherein mode of partition was prepared and Naksha 'Bey' was called.

2.2 Upon receipt of Naksha 'Bey', objections thereto were called from the respective co-sharers, whereupon the petitioners are stated to have submitted their objections on 20.09.2018 to Naksha 'Bey', however, the same were not considered by the authority and Naksha 'Bey' was approved, which was followed by Naksha 'Zeem' and ultimately, the partition proceedings concluded with the drawing of sanad takseem (instrument of partition) dated 21.01.2019 (Annexure P-7).

2.3 Feeling aggrieved against the partition proceedings/sanad takseem, petitioners preferred an appeal before learned Collector, Sub Division Jind, who vide order dated 05.04.2021 (Annexure P-9), dismissed the appeal primarily on the ground that the said Court has no jurisdiction to decide the matter in the light of the fact that sanad takseem already stood issued.

2.4 Still aggrieved, the petitioners preferred a revision petition before learned Commissioner, Hisar Division, Hisar (in short 'Divisional Commissioner'), however, the same was also dismissed, vide order dated 26.06.2024 (Annexure P-10), by observing that the said Court did not have the jurisdiction to the decide the matter.

2.5 Thereafter, the petitioners preferred a revision petition, i.e. ROR-319/2023-24, before learned Financial Commissioner, which was also dismissed, vide order dated 14.10.2024 (Annexure P-1).

3. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition before this Court, for the relief(s), as noticed

hereinabove.

4. Heard.

5. While referring to Annexure P-11 (site plan), learned counsel for petitioners has raised the submission that in the final partition, the petitioners have been allocated land shown in orange colour. He submits that a part of the land under partition falls on 6 karams wide passage and they are also entitled to proportionate frontage on the said passage.

6. During the course of hearing, the attention of learned counsel for petitioners was drawn to the fact that the land under partition is comprised in two separate parcels of land and the petitioners have been allocated land in one compact block in only one parcel and that too by providing 2 karams wide passage to their land, whereas other co-sharers have been allocated land in both the separate parcels of land.

7. Learned counsel for petitioners could not dispute the fact that in case the petitioners are to be granted frontage on 6 karams wide passage falling towards left side of Killa No. 15 and 16 of Rect. No. 72, the same would lead to creation of small strips of land, which would not be convenient for cultivation purposes. It is also not disputed that as per mode of partition, the petitioners were to be allocated land in both parcels of land.

8. In my considered view, in case, the petitioners have been allocated land in one compact block, which has also been provided with 2 karams passage from the northern side, whereas the other co-sharers have been allocated land in both the land pockets under partition, that would justify non-provisioning of frontage on 6 karams passage, moreso when such allocation of land would lead to creation of small strips of land. It is

observed here that partition can never be with mathematical precision and some adjustment of blocks of respective co-sharers is required depending upon various factors like location/shape of land under partition, nature and value of land, proximity to village abadi etc.

9. No other argument has been raised.

10. In this view of the matter, I find no merit in this civil writ petition and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

08.09.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No