



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CWP-3266-2025

Date of Decision: 02.12.2025

BALJEET SINGH AND ORS

.....Petitioners

Vs.

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vineet Chaudhary, Advocate for the petitioners.

HARSH BUNGER, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certorari for setting aside the order dated 19.12.2024 (Annexure P-20) passed by Financial Commissioner, Haryana.

2. Briefly, respondent Nos.6 and 7 herein filed an application seeking partition of joint land measuring 104 kanal and 17 Marla comprised in khewat No.41 situated at Village Samaspur, Tehsil Thanesar and District Kurukshetra (as per jamabandi for the year 2008-09). In the aforesaid partition proceedings mode of partition (Annexure P-2) came to be approved which reads as under:-

“1. That the land measuring 104 kanal 17 marla comprising in khewat No.41, total kitte 22 situated in Village Samaspur, Tehsil Thanesar, District Kurukshetra. One separate khewat of the land cultivated by the applicants and the other land of the applicants also shall be constituted in one joint khewat and one or two kheats will be prepared for all the respondents.

2. The owners of the tubewell and trees will be given to them only. In addition to this, as per the share, the amount of land



owned by the party on front/road, will be given to them as per their share.

3. Special consideration will be given to the water khal/passage. The kurra which does not have passage, that shall be given a passage of two karam wide from the joint land. Deficiency of one marla shall be ignored.

4. The aforesaid entire work will be carried on by Halqa Girdawar and the concerned Patwari, whose fees is fixed as Rs.1000/- which shall be paid by the applicants, lateron as per the share, they will be entitled to recover it from the respondents.”

3. Thereafter, *Naksha 'Bey'* was called from the field staff and on receipt of *Naksha 'Bey'* on the file, objections to the *Naksha 'Bey'* were called from the parties whereupon respondent Nos. 6 and 7 submitted their objections (Annexure P-4) to *Naksha 'Bey'*; however, same were dismissed by learned Assistant Collector vide order dated 07.10.2015 (Annexure P-5).

4. Feeling aggrieved against the order dated 07.10.2025 (Annexure P-5), respondent Nos. 6 and 7 preferred an appeal before learned Assistant Collector, Thanesar, however, the same was also dismissed vide order dated 09.11.2016 (Annexure P-7). Thereafter, respondent Nos. 6 and 7 preferred an appeal filed before Commissioner, Ambala Division, Ambala wherein an order of *status quo* was passed on 02.05.2017 (Annexure P-9). Subsequently, learned Commissioner dismissed the appeal preferred by respondent Nos. 6 and 7 as regards dismissal of their objections on *Naksha 'Bey'* vide order dated 21.03.2023 (Annexure P-10). It appears that in the meanwhile, Sanad Taksim came to be issued and thereafter respondent Nos. 6 and 7 preferred a revision before learned Financial Commissioner, which has now been allowed vide impugned order dated 19.12.2024 (Annexure P-20). In these circumstances,



the instant writ petition has been filed before this Court for the relief/s, as noticed hereinabove.

5. Heard.

6. The relevant extract of the impugned order dated 19.12.2024 (Annexure P-20) passed by learned Financial Commissioner, Haryana reads as under:-

“4. In view of the explanation give by the learned counsel for the petioners, the delay in filing the present revision petition is condoned. In percentage terms, though the petitioners own 40.7% undivided share of the joint land, they have been allotted a front of only 14.4% of the total length of the eastern passage. There is another passage on the western side to killa No.42/15/2 to which the petitioners have not been given access. Whereas, kurra No.3 of area 7K-15M has a 35 karam front on the passage and kurra No.2 of are 10K 16M is given a 49- Karam front on the passage. Further, it is noticed that the petitioners kurra has been fragmented, which was avoidable. The partition is thus patently inequitable and unfair to the petitioners.

5. The impugned sanad takseem is hence set aside. The case is remanded to the Assistant Collector, Thanesar with the direction to re-case the Naksha 'Bey' allotting contiguous area to each of the four kurras without unnecessary fragmentation such that each of the four kurras are allotted passage front on a pro-rate basis. The partition proceedings shall be finalized within a period of three months. The vendee in sale deed No.1924 dated 14.06.2023 will have the option to club her share either with the petitioners kurra No.1 o with the vendor's kurra No.4.”

7. A perusal of the above extracted order would show that learned Financial Commissioner has set aside the partition proceedings primarily on the ground that respondent Nos 6 and 7 herein had not been allocated frontage



observed by learned Financial Commissioner that the present petitioner, who had shareholding of only 07 Kanal 15 Marla, were allocated frontage of above 35 karam on the passage. It has further been noticed that respondent Nos. 6 and 7 herein have been allocated land in fragments which would otherwise be also apparent from perusal of the site plan (Annexure P-15) (Page 144-A of the paperbook).

8. During the course of hearing, learned counsel for the petitioner could not dispute the factual observations made by learned Financial Commissioner that the petitioners have been allocated frontage of the main road more than their shareholding in the joint land.

9. Having considered the matter, since as per Clause 2 of the sanction mode of partition, the frontage on the passage was required to be allocated to the parties inconsonance with their share in the joint land holding and the said Clause had not been followed in its true letter and spirit, therefore, the final partition is apparently against the sanctioned mode of partition.

10. In view of the above, I see no illegality or perversity in the order passed by learned Financial Commissioner, Haryana. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

11. All the pending application(s), if any, shall also stand closed.

02.12.2025

pry

(HARSH BUNGER)
JUDGE

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