



CWP-10474-2025 (O&M)

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121 (Through Video Conferencing)

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

**CWP-10474-2025 (O&M)
Date of Decision: 04.09.2025**

Harbans Singh and others

..... Petitioners

Versus

Collector, Dharkalan, Pathankot and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sardavinder Goyal, Advocate
for the petitioners
(through video conferencing).

HARSH BUNGER J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 13.01.2023 (Annexure P-3) passed by the learned Tehsildar, Dharkalan, District Pathankot and order dated 27.06.2024 (Annexure P-4) passed by the learned Collector, Dharkalan, Pathankot.

2. Briefly, respondents No.3 to 5 filed an application seeking partition of joint land comprised in khewat No.4, total area measuring 202 kanals-14 marlas (as per *jamabandi* for the year 2012-13) situated at Village Lanjera Teeka, Tehsil Dharkalan, District Pathankot.

2.1 The final order of partition came to be passed on 02.07.2019 (Annexure P-1).

2.2 The petitioners herein challenged order dated 02.07.2019



(Annexure P-1) by filing an appeal before the learned Collector, Dharkalan, which was accepted vide order dated 29.10.2020 (Annexure P-2) and the matter was remanded to the learned Assistant Collector.

2.3 Upon remand, the partition was again finalized vide order dated 13.01.2023 (Annexure P-3). The said order was again challenged by the petitioners by filing an appeal before the learned Collector, Dharkalan, however, the same was dismissed vide order dated 27.06.2024 (Annexure P-4).

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

4. Learned counsel for the petitioners has raised three arguments, firstly, that the petitioners have been allocated land less than their entitlement; secondly, that the possession of the petitioners over land comprised in Khasra Nos.124 and 125 has been disturbed and thirdly, while referring to Annexure P-5 (site plan), it is submitted that in the legend of the said site plan, Sh. Chain Singh (respondent No.3) has been allocated area at Serial Nos.2 and 4.

5. Heard.

6. As regards the first contention that the petitioners have been allocated less land than their entitlement, the petitioners have not placed on record *Naksha Alif* which shows the area which is to be allocated to each of the co-sharers as per their entitlement. In the absence of the said *Naksha Alif*, the argument raised by learned counsel for the petitioners cannot be appreciated and the same is accordingly rejected.

6.1 As regards the second contention that the possession of the petitioners has been disturbed over area comprised in Khasra Nos. 124 and 125, no revenue record (*jamabandi* or *khasra girdawari*) has been placed on

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record to show that the petitioners are in exclusive possession of khasra Nos.124 and 125 since prior to the filing of the partition application. In the absence of the said document, the plea raised by learned counsel for the petitioners is without any merit and the same is hereby rejected.

6.2 As regards the third contention raised by learned counsel for the petitioners that in the legend placed before the site plan, the name of Sh. Chain Singh is mentioned at Serial Nos.2 and 4, in this regard, learned counsel for the petitioners was asked to show the Sanad Taksim (instrument of partition) so as to appreciate the argument of learned counsel for the petitioners as to why name of Sh. Chain Singh finds mention at two places, however, no such document has been placed on record. In fact, perusal of the legend would show that at Serial No.4 the entry is Sh. Chain Singh etc., from which it appears that the said area has been kept joint amongst the co-sharers. Accordingly, the said plea raised on behalf of the petitioners is also rejected.

7. No other argument was raised.

8. Considering the totality of circumstances, I find no merit in the instant writ petition and the same is accordingly, dismissed.

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

04.09.2025*Himani***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned	:	Yes/No
2. Whether reportable	:	Yes/No