

2025:PHHC:089335



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

CWP-9780-2025

Date of Decision: 21.07.2025

Balwinder Singh

..... Petitioner

Versus

Financial Commissioner, Appeals, Punjab Civil Secretariat
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. P.S. Chahal, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. Mandeep S.Bedi, Senior Advocate assisted by
Mr. Abhishek Thakur, Advocate and
Mr. Navrajdeep Singh, Advocate
for respondents No.5 and 6.

HARSH BUNGER J.

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 22.06.2017 (Annexure P-6) passed by the learned Assistant Collector, Ist Grade, Nakodar; order dated 15.07.2019 (Annexure P-8) passed by the learned Collector, Nakodar; order dated 05.09.2023 (Annexure P-9) passed by the learned Commissioner, Jalandhar Division, Jalandhar; and order dated 25.09.2024 (Annexure P-10) passed by the learned Financial Commissioner (Appeals), Punjab.

2. A perusal of order sheets reveals that on 05.04.2025, the

following order was passed by this Court:-

“Learned counsel for the petitioner submits that the only grievance against the partition is that the land comprised in Rectangle No.9 Killa No.5, where the petitioner has raised construction of his house has been allocated to the block of Tek Singh etc. (contesting respondents). It is submitted that if the land comprised in Rectangle No. 9 Killa No. 5 is allotted to the petitioner then in lieu thereof, he is ready to give equal area to the private respondents either out of Killa No.9//6 or any other adjoining area. He further submits that the petitioner is also ready and willing to amicably resolve the matter with the respondents in that regard.

Notice of motion to the aforesaid limited extent only.

Mr. Navneet Singh, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents-State and seeks an accommodation to file reply and/or address arguments in the matter.

List on 12.05.2025.

Reply(ies), if any, be filed before the next date of hearing with an advance copy to the counsel opposite.

Status quo (as existing today) shall be maintained by the parties till the next date of hearing.

Parties are directed to appear in person on the date fixed.

To be taken up immediately after the Urgent List.”

2.1 Subsequently on 12.05.2025, the following order was passed:-

“Learned senior counsel representing respondents No.5 and 6 submits that respondents No.5 and 6 are the only contesting respondents and they would be ready and willing to exchange their land with the land comprised in Rectangle No.9, Killa No.5, wherein the petitioner has raised construction of his house. He submits that the matter be sent to the Mediation and Conciliation Centre of this Court to work out the modalities of the amicable settlement between them.

List on 23.05.2025.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.05.2025.

Interim order to continue till the next date of hearing only.

To be taken up immediately after the Urgent List.”

2.2 In pursuance of the aforesaid order, the parties appeared before the Mediation and Conciliation Centre, however, when the matter was listed before this Court on the date already fixed, i.e. 23.05.2025, a request for extension of time was received from the Mediator.

2.3 On 23.05.2025, the following order was passed by this Court:-

“Reply dated 12.05.2025 is filed on behalf of respondents No.5 and 6 in Court today. Same is taken on record, subject to all just exceptions. A copy thereof is also supplied to learned counsel for the petitioner, in Court today itself.

Learned senior counsel for respondents No.5 and 6 has also handed over a copy of Site Plan, indicating the proposal as regards the exchange of land between petitioner and respondents No.5 and 6; which is taken on record, subject to all just exceptions. A copy thereof is also supplied to the counsel opposite, in Court today itself.

Learned counsel for the petitioner seeks an accommodation to get further instructions and assist the Court in this matter.

At his request, adjourned to 27.05.2025.

To be taken up immediately after the Urgent List.”

2.4 Today, learned counsel for the petitioner has submitted that some more area is required to be exchanged and if the same is not acceptable to respondents No.5 and 6 then any appropriate order may be passed in this matter.

3. Heard.

4. In the instant case, notice was issued only to the limited extent of exploring the possibilities of amicable settlement between the parties as regards the exchange of land comprised in Rectangle No.9, Killa No.5, where the petitioner claims to have constructed his house, in lieu of the land comprised in Rectangle No.9, Killa No.6 or any other adjoining area. It is not disputed before this Court that the area comprised in Rectangle No.9, Killa No.5 stands allocated to respondents No.5 and 6, who have agreed to exchange the land with the petitioner; however, the submission made by learned counsel for the petitioner that any appropriate order be passed in this case, is not appreciated. It appears that the sole aim of petitioner is to somehow prolong the partition proceedings, which cannot be permitted in law.

5. Keeping in view the totality of circumstances and considering the fact that the petitioner had confined his prayer only to the extent of exchanging the area comprised in Rectangle No.9, Killa 5, wherein he is stated to have constructed his house, with the area comprised in Rectangle No.9, Killa No.6 (which stands allotted to respondents No.5 and 6) and they have readily agreed for such exchange and even submitted a Site Plan indicating the proposal as regards the same; the present writ petition is disposed of with a direction to the concerned revenue authority to carry out necessary changes in *Sanad Taksim* and all the other relevant documents by allocating the house constructed by the petitioner in Rectangle No.9, Killa No.5, in the *kurra* (block) of petitioner and an equivalent area falling under the constructed house be given to respondents No.5 and 6 in their *kurra* (block) out of Rectangle No.9, Killa No.6. In order to effect the aforesaid changes, the concerned Tehsildar shall carry out demarcation of the area, wherein the construction of house has been raised by the petitioner in

Rectangle No.9, Killa No.5, in the presence of all the concerned parties, and an equivalent area be given to respondents No.5 and 6 out of the land comprised in Rectangle No.9, Killa No.6.

5.1 It goes without saying that any consequential changes in partition papers/*Sanad Taksim* be also carried out as per law and amended *Sanad Taksim* (Instrument of Partition) be prepared.

6. The present writ petition is disposed of in the aforestated terms.

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

21.07.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No