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

**CWP-11613-2025 (O&M)
Date of Decision: 01.05.2025**

Manphool Singh and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vikram Singh, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

This 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 18.02.2025 (Annexure P-22) passed by the learned Financial Commissioner, Haryana, whereby the entire partition proceedings along with the Sanad Taksim have been set aside.

2. Briefly, the present petitioners along with the proforma respondents namely Balkar Singh and Hazoor Singh filed an application seeking partition of joint land comprised in khewat No.206 measuring 138 kanals 0 marla and khewat No.511 measuring 17 kanals 17 marlas (as per *jamabandi* for the year 2008-09) situated at Village Pegan, Sub Tehsil Alewa, District Jind.

2.1 In the aforesaid partition proceedings, a mode of partition dated 20.08.2015/17.06.2016 (Annexure P-12) was prepared; which was



challenged by respondent No.5- Dalel Singh by filing an appeal before the learned Collector, Jind, which was accepted vide order dated 10.10.2016 (Annexure P-13).

2.2 Being dis-satisfied, the present petitioners challenged the Collector's order dated 10.10.2016 (Annexure P-13) by filing an appeal before the learned Commissioner, Hisar Division, Hisar, which was dismissed vide order date 20.04.2017 (Annexure P-14).

2.3 It appears that thereafter an amended mode of partition dated 06.10.2017 (Annexure P-15) was prepared and on that basis, *Naksha 'kha'* was prepared and approved vide order dated 24.09.2020. An appeal filed against the said order dated 24.09.2020 was also dismissed vide order dated 07.04.2022 (Annexure P-16).

2.4 It transpires that ultimately the partition proceedings were concluded vide order dated 22.04.2022 (Annexure P-19) passed by the learned Assistant Collector and Sanad Taksim (Annexure P-20) was issued.

2.5 Thereafter, the aforesaid partition proceedings/Sanad Taksim came to be challenged by respondent No.5- Dalel Singh by filing a revision petition (ROR No.471 of 2021-22), primarily on the plea that during the pendency of the partition proceedings, some area has been acquired for the Delhi-Amritsar-Katra National Highway by the National Highway Authority of India and even a corresponding mutation No.4572 has been sanctioned in the revenue records on 10.09.2021.

2.6 It was stated that the land acquisition compensation has been received by the parties as per their respective pre-partition shares and therefore in the final partition, the said area is liable to be excluded from the scope of partition.

2.7 Learned Financial Commissioner, vide order dated 18.02.2025

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(Annexure P-22) allowed the revision petition filed by respondent No.5-Dalel Singh by setting aside the partition proceedings/Sanad Taksim with a further direction that any party desirous of seeking partition may file a fresh application as per the latest ownership of the remaining land.

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

4. Heard.

5. Apparently, the partition proceedings initiated at the instance of the present petitioners were concluded with the drawing of Sanad Taksim dated 22.04.2022 (Annexure P-20), however, it is not disputed before this Court that during the pendency of the partition proceedings, some area stood acquired for Delhi-Amritsar-Katra National Highway. It is also not disputed by learned counsel for the petitioners that the co-sharers in the unpartitioned land have taken compensation as per their due entitlement/share.

6. In this view of the matter, once all the co-sharers have taken compensation for the acquired land as per their share in the unpartitioned land, then the area acquired for the National Highway was liable to be excluded from the partition proceedings and only the balanced area was required to be partitioned amongst the co-sharers. The acquired land could not be made a part of the Sanad Taksim.

7. Learned Financial Commissioner has set aside the partition proceedings/Sanad Taksim vide order dated 18.02.2025 (Annexure P-22) while taking into consideration the aforesaid factum of acquisition of land, by observing as under:-

“The Ld. Counsel for the Petitioner submits that an area of 24K-02M comprising Khasra numbers 64//2/1 (3-2), 9/2



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(6-12), 10/1 (5-6), 11/2 (1-15), 12 (7-7) has been acquired for the Delhi-Amritsar-Katra National Highway by the National Highway Authority of India during the pendency of the partition proceedings. Corresponding Mutation No. 4572 is sanctioned in the revenue record on 10.09.2021 and the land acquisition compensation has been received by the parties as per their respective pre-partition shares. Hence, it is argued the land which was acquired by the NHAI and compensation received by the parties could not have been included in the partition.

2. Since the land acquired by NHAI during the pendency of the partition proceedings has been included in the impugned sanad takseem, the same is unsustainable. The entire partition proceedings, including the sanad takseem, are hereby set aside. A party desirous to seek partition may file afresh as per the latest ownership of the remaining land.

ROR allowed as above.”

8. I have gone through the aforesaid observations made by learned Financial Commissioner and in the peculiar facts and circumstances of the case, the same appear to be justified, accordingly, I find no compelling reason to interfere in the same. In case, any of the parties wants to seek partition of joint land which remains after the acquisition of land, they can prefer a fresh application, as directed by the learned Financial Commissioner, Haryana.

9. No other argument was raised.

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

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

01.05.2025

Himani

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No