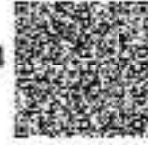


2025.PHHC.161894



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

**CWP-14860-2021
Date of Decision: 18.11.2025**

Ranbir

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Pankaj Mulwani, Senior DAG, Haryana.

Mr. Amit Gupta, Advocate
for respondents No.5 and 6.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 05.05.2017 (Annexure P-7) passed by the learned Divisional Commissioner, Faridabad, and order dated 13.04.2021 (Annexure P-9) passed by the learned Financial Commissioner, Haryana.

2. Briefly, the petitioner along with respondent No.7 had filed an application dated 02.12.2013 before the learned Assistant Collector,

Faridabad, seeking partition of the joint land comprising Khewat No.449/378, measuring 73 Kanal-10 Marla, situated in Village Kheri Kalan, Tehsil and District Faridabad. The partition proceedings were culminated in the issuance of *Sanad Takseem*, vide order dated 12.12.2014 (Annexure P-3) passed by the learned Assistant Collector, 2nd Grade, Tigaon (Faridabad).

2.1 Being dissatisfied, respondents No.5 and 6 preferred an appeal before the learned Collector, Faridabad, which was dismissed vide order dated 23.12.2015 (Annexure P-6), primarily on the ground that the Collector lacked jurisdiction once the Sanad Takseem had already been issued.

2.2 Thereafter, respondents No.5 and 6 filed a revision petition before the Divisional Commissioner, Faridabad, who, vide order dated 05.05.2017 (Annexure P-7), set aside the partition proceedings.

2.3 Feeling aggrieved against the aforesaid order dated 05.05.2017 (Annexure P-7), the petitioner filed an appeal (ROR No.452 of 2016-17) before the Financial Commissioner, Haryana, which was also dismissed vide order dated 13.04.2021 (Annexure P-9).

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. During the course of hearing, learned counsel for the parties are *ad idem* that the order passed by the Divisional Commissioner, Faridabad, is without jurisdiction as the partition application in the present case had been filed in December, 2013 and the *Sanad Takseem* was issued on 12.12.2014, whereas, after issuance of the *Sanad Takseem*, the jurisdiction to set aside the partition proceedings/*Sanad Takseem* vested solely with the Financial Commissioner, in terms of Section 16 of the Haryana Land Revenue Act. It

is submitted that since the order passed by the Divisional Commissioner, Faridabad, was without jurisdiction, the same has been wrongly affirmed by the Financial Commissioner, Haryana.

4.1 Learned counsel(s) for the respective parties further submit that the parties would have no objection if the orders passed by the Divisional Commissioner, Faridabad, and the Financial Commissioner, Haryana, are set aside, and liberty is granted to respondents No.5 and 6 to challenge the final partition/*Sanad Takseem* by filing a revision before the Financial Commissioner, Haryana, in accordance with law.

5. Keeping in view the broad consensus arrived at between the parties, the present writ petition is partly allowed. The order dated 05.05.2017 (Annexure P-7) passed by the Divisional Commissioner, Faridabad, and the order dated 13.04.2021 (Annexure P-9) passed by the Financial Commissioner, Haryana, are set aside. However, liberty is granted to the private respondents to assail the partition proceedings/*Sanad Takseem* by availing the remedy of revision before the learned Financial Commissioner, Haryana, in accordance with law.

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

18.11.2025
Apurva

(HARSH BUNGER)
JUDGE

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